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DIFFICULT DEVIANT AND DELINQUENT

An appraisal of the effectiveness  
of intervention in the lives of  
deviant adolescents in South Glamorgan.

by

D E R E K   B R U S H E T T

Centre for Applied Social Studies  
University College of Swansea

Thesis submitted to the University of Wales  
in candidature for the degree of M.Phil. 1989.

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## SUMMARY

The author introduces the research by reviewing the development of social policy and legislation for young people in trouble over the past century and a half. In particular he explores the tensions which have permeated social welfare because of confusion as to its function in "controlling" or "helping" or offering "treatment" to deviant youth.

This provides the context for the research study - an examination of the operation of the juvenile justice system in South Glamorgan, together with the resources which are targetted at deviant adolescents by the Social Services Department. In 1983 the Department had adopted a Strategy which sought to reduce levels of custodial sentencing and to replace out-County community homes with education (CHEs). Instead young people were to be managed and supported in the community. The research measures the performance of the resources in supporting in the community, a selected group of 84 young people.

The findings of the research show that the policy adopted in South Glamorgan was partially successful. Many of those referred to community-based resources achieved improved levels of stability and aberrant behaviour decreased. Nevertheless there was a significant number of girls for whom referral to an out-County CHE remained an apparent necessity and there were a number of boys whose persistent serious delinquency proved impossible to contain within a community setting.

The study concludes by marking up a number of concerns which flow from the findings and which need to be addressed if the partial success of the Strategy is to be consolidated.

## Declaration

I declare that this dissertation is the result of my own independent study carried out under the supervision of Dr. Peter Raynor, and that all indebtedness to other sources is acknowledged by references in the text.

I further declare that this dissertation has not already been accepted in whole or in part for any degree and is not concurrently submitted in candidature for any degree.

Signed:

Confirmed:

Date: 7/9/89



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## CHAPTER 1

### JUSTICE AND WELFARE

#### 1.1 The context of Justice and Welfare Services for Young People.

Social workers and others who work with children and young people, operate within a legal framework which is both complex and confusing. The law-maker has chosen to interweave his legislative tapestry with two contrasting themes, each of which embraces elements of mutual compatibility, but which also embodies aspects which are contradictory and opposed.

"Justice versus Welfare" is a familiar battleground amongst that small group of practitioners who daily attempt to balance the apparently conflicting ideologies of 'just deserts' and 'social justice'. The law embraces the ambivalence which is characteristic of societies<sup>y'</sup> range of attitudes toward the deviant adolescent and requires that all those involved in the Juvenile Justice system, wrestle with the resultant confusion.

Currently, the Juvenile Criminal Justice System in England and Wales requires that children of ten years of age and above, account for their criminal acts. Young people appear before a

juvenile court which, though separate from the adult court, is similar in form and procedure to its adult counterpart. The essential themes of sentencing - exemplariness, deterrence and reform, are present in both courts. However a tradition is now established, which has been thematic throughout this century's legislation, that before a young person is sentenced, the court must have regard to his welfare needs. (1) Thus those aspects of a child's personality and background, which may seek to reduce his culpability, have become an important factor, as have the actions the court may take to compensate for any deficiencies it may detect (with the assistance of social workers) in that personality or background. The welfare of the child or young person is therefore a most important additional element which has to be considered before the court can determine any disposal in juvenile criminal proceedings.

However alongside and interwoven with the Criminal Justice System, sits a range of welfare services, itself based on a web of enabling and directive statutes. Successive legislation has laid upon local authorities onerous responsibilities regarding the care and protection of the young, regardless of whether or not they are involved in crime. At a basic level, social workers are required to provide assistance and advice to families such that the child's proper development may be met within the context of the family. (2) At a second level, when maintenance within the family becomes impossible, social workers are charged to receive children and young people into care 'voluntarily' and to ensure that they return to their families as soon as their welfare needs can once again be met within the context of the family setting. (3) And at a third level social workers are charged to take children and young people

into care when it appears that their welfare needs can be met in no other way. (4)

Child-care legislation itself is beset with apparently conflicting objectives. Since the war there have been over twenty major pieces of legislation relating to the care of children, each of which has been grafted onto existing legislation, as inadequacies have become apparent. Successive legislation has struggled to provide the State with sufficient powers of intervention to protect children from ill-treatment, neglect and abuse whilst at the same time protecting families from unwarranted intervention by the State. At the time of writing, a further attempt is being made in a proposed Children Bill to once again readjust the balance between these two requirements. (5)

Thus the Juvenile Justice System embodies elements of both natural and social justice, and is underpinned by a range of welfare services charged with protecting, caring for and controlling amongst others, those same children whose offending brings them to the attention of the Justice System.

However, both systems allow degrees of discretion which operate both at a national and at a local level and which result in young people being treated quite differently and receiving quite disparate degrees of "welfare" intervention and justice. Within the Juvenile Justice system, varying policing policies are a major factor in the likelihood of young people, or specific categories of young people, being apprehended and thus entering the system. Once identified young offenders may or may not be dealt with informally, according to local practice.(6) Since formal cautioning was introduced, the police have developed varying levels of consultation with local agencies, resulting in varying

likelihoods of young offenders appearing in court. In 1987, for example, Northamptonshire cautioned 86% of its 10-16 yr.old males compared to Staffordshire's 37%. (7) And the courts themselves operate in quite different ways, even when they are situated in close geographical proximity or where the social and economic characteristics of the areas over which they preside are similar.(8)

The operation of Welfare services also takes place within a framework of considerable executive discretion. It is only occasionally that Social Services Departments are required to seek permission from the courts to initiate action. The larger part of their work takes place outside of such restrictions, either within the context of locally or nationally developed codes of practice or more often within the discretion of the individual social worker or social work team. Although there are national patterns, whether certain young people are taken into care or not or receive other forms of social work attention depends very much on local policies and strategies, the availability of resources and often on the particular outlook of the individual social worker.

Thus plain descriptions of the justice and welfare systems and the relationship between them provide only a skeleton view. The resultant operation of the systems depends very much more on how discretion is exercised by those within the systems who have responsibility for action.

## 1.2 The Development of Legislation and Services for Children

The development of child-care legislation during the past century has been well documented. Until 1908, efforts to protect children from the full rigour of law were limited and incidental. In 1788 the Philanthropic Society was founded to offer

help to vagrant, destitute and delinquent children - the society initially being somewhat grandly titled the "New Asylem for the Prevention of Vice and Misery amongst the Poor." (9)

Official concern for the lot of children in prison was expressed in 1811 by the Committee on Prisons and Penitentiaries. However its recommendation that those under the age of 13 be excluded from prison was not accepted by Parliament. In 1815 the Prison Discipline Society expressed its concern over the corrupting effect of placing children with criminal adults.

One place in which adults and children were jointly interred, to await transportation, were the hulks of disused ships, moored in the rivers of the large cities. When the colonies became more reluctant to accept convicted persons, the hulks became the permanent abodes for their hapless internees. In 1823 however, a special hulk was reserved at Sheerness, for the custody of delinquent boys. By all accounts its regime was merciless - mortality exceeding that of those not so incarcerated. Despite a concern expressed by an examining Commission, that its regime did little to deter its inhabitants or others from a life of crime, it was allowed to remain. (10)

In 1816, the "Society for Investigating the Alarming Increase of Juvenile Delinquency in the Metropolis" concluded that delinquency in children was being reinforced whilst they were incarcerated with adults. In 1835, a House of Lords committee enquired :

".... whether the means may not be found in some unoccupied barracks or fort ..... of providing for the accomplishment of an object so important as the due custody, the effective punishment and the timely reformation of that huge class of juvenile offenders whom the ingenuity of more mature and experienced delinquents renders the instruments of so much and such increasing criminality " (11)

As a result Parkhurst Prison for young offenders was established. Whilst the intention was to provide a place whereby children could be removed from the contaminating influences of the adult prisons, it should not be imagined that the regime made many concessions to childrens welfare needs. Although an order was issued that leg-irons could be removed, the first board of visitors urged that :

" ..... every comfort and indulgence which was not essential to preserve health of mind and body should be excluded and that there should be nothing in the arrangements of the prison which might tend to weaken the terror of the law or to lessen in the minds of the juvenile population at large, or of their parents, the dread of being committed to prison." (12)

Parkhurst had a chequered history. Although it had a reputation for harshness and savagery, attempts were made to humanise its regime, though public ambivalence toward young criminals ensured that any progress was slow. When, for instance, outside working parties commenced, a number of boys escaped. As a result of subsequent public dismay, a military guard was instituted to check such escapes. In 1864, the prison closed.

Parkhursts demise was due not a little to the intense criticism directed toward it by Mary Carpenter, who was responsible for the next major development of resources specifically for children - the establishment of the Reformatory Schools. On a wave of missionary fervour, Mary Carpenter pioneered the creation of over 50 Reformatory Schools, between 1852 and 1856, for the children of "the dangerous classes", which, in their time, revolutionised the processing of delinquent children. And four years later, a system of Industrial Schools was established to cater for non-delinquent children - or those of the "perishing classes". In view of developments a century later it is worth

looking carefully at Mary Carpenter's definition of the 'perishing classes'.

"....those who have not yet fallen into actual crime but who are almost certain from their destitution and the circumstances in which they are growing up to do so if a helping hand be not extended to raise them." (13)

Thus a category of persons is defined whose life style is said to pre-ordain criminality. Welfare intervention is invoked as a preventative measure and removal from home is justified, not because a criminal act has necessarily been committed but because the ascribed status of the young person is considered a predictor of future crime.

The Youthful Offenders Act of 1854 gave the courts authority to send anyone under 16 years of age, who would otherwise have been sentenced to penal servitude, to a Reformatory School for a period of between 2 and 5 years. In their early years the Reformatories were undoubtedly successful. As the century progressed however, they lost the aura of innovation which had characterised their early years. Their physical state deteriorated, as many of them ran into economic difficulties. Children were sometimes detained for a full five years, regardless of their needs or of the reason for their admission, in order that the Reformatory might profit from their labours. (14) Children could evidently be sent to the Reformatories on the barest of pretexts, and be made to suffer quite terrible deprivations.

Despite the establishment of the Reformatories, it is estimated that at the end of the nineteenth century, at least fourteen thousand children under the age of 16, of whom two thousand were under the age of 12, were in adult prisons at any one time, and not until 1899 was the requirement to send a child



offender to prison prior to admission to Reformatory School, removed. (15). Nevertheless, by the end of the century, there was a growing feeling that the distinction between delinquent and deprived children was largely a false one. That feeling is perhaps best summarised by the words of Sir John Gorst :

" To attribute any sort of criminality to most of the inmates of the Home Office schools is a mistake and an injustice. In the jurisprudence of many foreign countries, notably in Germany, children are incapable of crime and are not treated as criminals as a consequence of any undesirable acts which they have done. Many of those who in this country are committed by the authority of Justices are as innocent as babes....."(16)

These words, written at the beginning of the century encapsulate the sentiment which was to dominate the reform of subsequent legislation.

As early as 1875, it had been suggested that not only should imprisonment of children be abolished, but that a separate system of courts should be set up exclusively for juveniles. (17). The 1908 Children Act or "Children's Charter", did exactly that, in that it established the juvenile court to consider juvenile crime separately from adult crime. And whilst the age of criminal responsibility remained at 7, it created a period between the ages of 7 and 16 when children would not be required to face the full consequences of their criminal acts - a period then of "moral quarantine" (18)

The next landmark in child-care legislation, the 1933 Children and Young Person's Act, made a serious attempt to combine the separate strands of justice and welfare. It nevertheless suffered from an inability to deliver what it promised. The underlying philosophy, contained in the 1927 report of the Departmental Committee on Young Offenders, that there was

"little or no difference in character and needs between the neglected and the delinquent child" went unchallenged, and resulted in a merger between the old Reformatory and Industrial Schools to become those "approved" by the Secretary of State. Yet the Act maintained a distinction between "criminal" and "care and protection" proceedings. Although the separation of the juvenile court from the adult court was strengthened, the separate strands remained intact. If a child were found guilty of an offence "due regard" had to be made to his welfare, in any disposal. However for those brought to court for other than an offence, a separate route was taken. If the underlying philosophy had been universally accepted, one would have expected that the ensuing years would have witnessed a gradual replacement of criminal proceedings by care and protection proceedings. No such progression took place. Indeed the Approved Schools continued to be largely populated by delinquents. Those made the subjects of "fit-person" orders rarely found their way in. Care and protection proceedings remained little used. (19)

1948 brought two further pieces of legislation which, again reflected ambivalent attitudes toward troubled children. The 1948 Children's Act took a giant leap forward in creating the new Children's Departments, placing the welfare of children firmly within the responsibility of a unified setting and strengthening the welfare principle. (20) Yet in the same year the Criminal Justice Act spawned the Detention Centre - for that "small group" whose criminality was beyond welfare. (21)

In 1960 the Ingleby Committee took a long hard look at the way juvenile legislation and working practices had developed and came to the conclusion that the justice and welfare elements were difficult to reconcile. In commenting on criminal proceedings

in the juvenile court, it reported:-

" The Court remains a criminal court.....yet the requirement to have regard to the welfare of the child, and the various ways the Court may deal with an offender, suggest a jurisdiction which is not criminal. It is not easy to see how the two principles can be reconciled." (22)

Ingleby went further and issued a prophetic warning on what might happen if justice and welfare issues were not disentangled.

The predominance of welfare issues might result in :-

" a child being charged with a petty theft or other wrongful act for which most people would say that no great penalty should be imposed and the case apparently ending in a disproportionate sentence.....It is common to come across bitter complaints that a child has been sent away from home because he has committed some particular offence which in itself was not at all serious. " (23)

### 1.3 The 1969 Children and Young Persons Act and its consequences.

Ingleby's conclusions were to be echoed in a number of documents which were to follow and which preceded the 1969 Children and Young Person's Act. In 1964 the Labour party published "Crime - a challenge to us all" - a paper which reflected Ingleby's assertion that criminal prosecution was not an effective method of controlling delinquency and could actually promote that which it sought to deter. (24) The subsequent White Paper - "The Child, the Family and the Young Offender" (25) boldly proposed the abolition of the Juvenile courts and their replacement by Family councils. Opposition was fierce, particularly from those groups such as magistrates and probation officers who previously had wielded considerable power in the determination of outcomes for juvenile offenders. The White Paper was dropped and was followed three years later by a further White Paper - "Children in Trouble". The abolition of the Juvenile courts was no longer proposed. Nevertheless, this White Paper went further in its proposals for

changes in the services provided for juvenile offenders. The term "intermediate treatment" was first employed. The intention was to provide interventions more intrusive than the relatively undemanding requirements of the Probation order but considerably less intrusive than full-blown residential care or custody. Once services could be developed by the newly formed regional authorities, Attendance Centres were to be replaced by a requirement to undertake short-term residential and other intermediate activity. Junior Detention Centres were to be replaced by similar shorter-term residential periods in local authority run resources as an additional requirement of Supervision. There was also a proposal to replace Borstal for 15 and 16 yr olds by secure provision and other unspecified measures, once these could be developed. Criminal proceedings were to be abolished and the commission of an offence was to become a further ground in care proceedings. Care proceedings without the offence condition would be instituted up to the age of 10; from 10-13, care proceedings with the offence condition would apply. (the age of criminal responsibility being raised to 14; and from 14 upwards prosecution would be replaced by a variety of interventions, except in the case of serious, persistent offenders. (26)

Much of the discussion, argument and hostility which took place both inside and outside of Parliament subsequent to the publication of the White Papers, reflected the continued lack of consensus concerning appropriate responses to juvenile crime. The concepts of justice and welfare were seen as synonymous with those of punishment and treatment and the polarised positions taken up by the variety of protagonists in the debate rendered a consistent, widely supported result impossible.

By the time the Bill had become an Act of Parliament, the Government had changed and important parts were shelved. In particular, the age of criminal responsibility remained at 10. Thus separate criminal and care proceedings remained for those from 10-17 and a Care Order could be made, on the commission of a crime, within either framework. Detention and Attendance Centres, originally scheduled for gradual replacement were retained. However the magisterial power to remove a child from home and place him at an approved school was to disappear. Placement within care was to be at the discretion of the burgeoning Social Services Departments. (27) Indeed, the Act quite deliberately involved social workers at almost every stage of the processing of delinquent children within the system. As Thorpe has pointed out, a new system came in but the old one did not go out. (28) The subsequent grafting operation was to have consequences which few at the time predicted. The resultant Act was an uneasy compromise, reflecting sharp differences of opinion between the variety of participants in the system, concerning the management and "treatment" of delinquent youth.

What then were the consequences of the 1969 Act ? At the outset twelve newly created regional planning bodies took over the erstwhile approved schools from the Home Office - their task to convert them into "community homes". The DHSS gave the lead by publishing detailed suggestions for how individual homes might be replanned. (29) The Regional Planning Committees were also to organise "intermediate treatment" as a preventative measure. In their dual role, the building programme which accompanied the former took magnificent precedence. The community homes were opened up to admissions of a whole variety of troubled children.

One confusing aspect of the Act, referred to briefly

in the opening paragraphs of this chapter, were the two routes for entry into care. The first, Section 1 of the Act, placed commission of an offence alongside other grounds in care proceedings. However within this section, once a ground has been proved, a further test has to be applied - that the child is in need of care or control which he is unlikely to receive unless the Court makes an order. The alternative route to care via criminal proceedings (Section 7/7) did not however require the care and control test to be applied. Hence many children came into care in the years immediately following 1969 via Section 7/7 without the care and control test.

In a now famous study, Thorpe and others investigated a 100% sample of all children made subject to a 7/7 Care order in one local authority. He established a care and control test which he then applied to all 132 cases, to establish whether or not such Care orders would likely have been made with such a test operating. Any young person who satisfied one or more of the following three criteria, was deemed to have satisfied the test :-

1. Is the child a danger to himself and/or the community ?
2. Does the child have no viable home base ?
3. Does the child have any specific medical, educational, vocational or psychiatric needs which can be dealt with only in a residential setting ?

Of the 132 Care orders, 119 (90%) failed the care or control test - demonstrating quite clearly how the 1969 Act had enabled an ever widening number of children to have their liberty removed. Furthermore the study showed that the offending which

resulted in the orders being made was generally neither persistent nor serious. (30)

Although the spirit of the 1969 Act was to strengthen the possibility of retaining children in the community, the increasing intrusion of welfare issues in the juvenile court resulted in increasing numbers coming into care via criminal proceedings, for largely welfare reasons. In effect the criminal care order became a draconian measure which effectively deprived many children of their liberty on welfare grounds, - liberty which adults charged with like offences would probably not have lost.

In addition admissions to custody spiralled for young people aged 14 and over. (See Table 1) A DHSS research team calculated that only a quarter of the extra custodial sentences could be attributed to increased numbers of serious offences. A large number of the custodial sentences were imposed on children subject to Care Orders and at the recommendation of social workers, who were by now an important part of the juvenile justice system.

A further not unexpected consequence of the Act was the effect of intermediate treatment. IT was originally put forward as a replacement for custodial facilities. Since that did not occur, IT came to be used as an additional form of court disposal and was invariably used at an early stage. Additionally, some research showed that early intervention via the medium of intermediate treatment tended to accelerate children up the tariff, when cited in subsequent court appearances. (31) However it has since been suggested that too much was made of the potential up-tariffing effect of IT, and that the careful management of the system can avoid this potentially negative consequence. (32)

Far from radically removing children from criminal jurisdiction, the 1969 Act, as enacted, resulted in an acceleration of a trend readily discernible in the years prior to the Act - that is - increasing removal of children from home for offences which previously had rarely incurred removal. The statistics included in Table 1. clearly show that those formally supervised in the community declined ( for the over 14s the proportion receiving Supervision between 1965 and 1977 almost halved ) and the proportions receiving care or custody dramatically increased.

However despite ever increasing rates of care and custody, the years following 1969 were accompanied by a great deal of popular criticism of the Act on the grounds that it was "soft" on delinquents. (33) The Magistrates Association continued to be critical of their inability in law to remove, especially younger delinquents, from home. They voiced their lack of confidence in the way Social Services Departments exercised their discretion when Care orders were made, despite evidence that most children placed in care for criminal reasons were placed in residential care and despite the increase in Care orders subsequent to 1969.

Such was the concern over the working of the Act that in 1974 a subcommittee of the House of Commons Expenditure Committee was set up to review matters. Nowhere is the confusion concerning the reconciliation of justice and welfare issues more apparent than in its findings. Of the 40 recommendations, some concerned neutral issues such as increased training for staff; some steadfastly reaffirmed the welfare principles of the Act; and some, such as the recommendation for secure care for young people in care who commit a further offence, marked a move away from the philosophy of the Act. (34)



It is difficult to reconcile the assaults on the Act with the criminal statistics. Between 1969 and 1975, levels of juvenile crime rose no more than did adult crime, and in some years actually decreased. By contrast the numbers of young people incarcerated rose dramatically.

Table 1 Juvenile Courts in England and Wales 1965-1987

Disposals as a proportion of those found guilty of indictable offences (percent rounded to nearest whole no.)

	App.Sc.Ords	Prob.Ords.	Fines/C.D.s	Att.Centre	Custody
	Care orders	Sup.orders			

	10-13	14-17	10-13	14-17	10-13	14-17	10-13	14-17	10-13	14-17
1965	9	8	33	29	44	49	10	7	-	4
1968	9	8	30	26	46	52	12	8	-	5
1971	13	8	29	19	44	57	12	8	-	6
1974	12	6	24	17	50	58	12	9	-	8
1977	9	4	21	16	55	50	14	10	-	11
1980	9	4	21	16	52	53	18	15	-	12
1983	5	3	19	16	56	49	21	17	-	12
1985	5	3	18	17	55	47	23	16	-	12
1987	4	1	18	18	57	47	21	16	-	11

[ Home Office. Criminal Statistics in England and Wales. 1987 ]

A further dramatic development occurred in the period from 1975 onwards. Despite their early use, the latter half of the decade saw the rapid demise of the former approved schools. Increasingly research demonstrated their ineffectiveness but their eventual virtual disappearance is probably more attributable to their alarming cost. The "CHEPs" always had a difficult role to play. Millhams research confirmed what those who worked in them knew well. Many of those sent to CHEPs were the accumulated failures of past interventions - the casualties of the care system itself. (35) CHEPs were required to contain deviant behaviour which

society deemed intolerable. In addition they were encouraged to develop "therapeutic" regimes whereby the supposed causes of delinquency could be treated. These two tasks - control and care - were often in conflict within the institution, mirroring the conflict which was inherent in the juvenile justice system of which the CHEPs were a part.

As such the CHEPs failed at every point - They failed to contain aberrant behaviour. They amplified deviance by placing large numbers of like deviants together. They created secondary problems for children by isolating and alienating them from their home communities. And they failed to positively effect the subsequent behaviour of children once they had returned home. (36) Thus even whilst Thorpe was demonstrating that many children placed in CHEPs on criminal care orders were misplaced, the days of the CHEPs were already numbered. (37)

So what had become of the welfarist intentions of the reformers ? Despite evidence that the overall motivation of Victorian reformers was complex, involving notions of preserving social order in an increasingly industrialised and disintegrating society, there is little doubt that much of the impulse to introduce welfare into judicial proceedings derived from altruistic motives. Those who sought to introduce reform in 1908, in 1933 and again in 1969 did so with the same spirit which motivated some of the pioneers of the child-saving movement of the later half of the nineteenth century. There is no doubt that many could see the dangers of making the child's needs rather than the offence the determinant of the response. But at the time, reform seemed of greater importance. Thus the Departmental Committee on the Treatment of Young Offenders (1927) could claim :-

"The idea of the tariff for the offence or of making the punishment fit the crime dies hard; but it must be uprooted if reformation rather than punishment is to be - as it should be for young offenders - the guiding principle" (38)

Those who sought to protect children from the full consequences of the law, by ensuring that their welfare needs were always considered, could not have envisaged a point where being "sentenced to welfare" could become a more punitive response than a simple judicial disposal, untrammelled by welfare considerations.

In his consideration of the origins and motives of the parallel 'child-saving' movement in the United States, Platt has argued that it was inevitable that this would occur:

" Granted the benign motives of the child-savers, the programs they enthusiastically supported diminished the civil liberties and privacy of youth.....Although the child-savers were rhetorically concerned with protecting children from the physical and moral dangers of an increasingly industrialised and urban society, their remedies seemed to aggravate the problem" (39)

When organisations such as Barnardo's, the Waifs and Strays and the Catholic Rescue Society first began to "rescue" children from the streets, civil liberties as we understand them were not a priority. Nevertheless it is possible to perceive how the unfettered intervention of the State could eventually erode civil liberties in such a way that the consequences for young people were the opposite of those intended.

Indeed one could argue that by about 1980, the conflicting ideologies of the influential participants in the Juvenile Justice System had led to a compromise which encapsulated the worst of both worlds - increasing use of custody, coupled with increasing use of custodial care. And the "care" itself promoted rather than prevented the use of custody. Justice interpreted as Punishment, and Welfare interpreted as Treatment had not only become

irreconcilable aims of the justice system but had also become opposite sides of the same coin - both resulting in a loss of civil liberty.

It is worth pausing here in the chronology, to consider what general theories or popular conceptions of delinquency were motivating those who throughout the nineteenth and twentieth century were advocating a welfare approach. Rutter and Giller have suggested that rather than search for the 'criminologists stone' there is now a general acceptance for the need for 'multi-faceted' explanations of the phenomenon<sup>on</sup> of delinquency.(40) Indeed the opening lines of the White Paper 'Children in Trouble' concurred with this eclectic approach :-

"Juvenile delinquency has no single cause, manifestation or cure. Its origins are many and the range of behaviour which it covers is equally wide".(41)

However the welfare philosophy comes within the mainstream of positivist tradition. Mary Carpenter, in her early treatise referred to 'dangerous' and 'perishing' classes and by implication 'dangerous' and 'perishing' people. The causes of delinquency were apparently clear and lay within the broad area of family failure. Cures were equally clear - the removal of the delinquent or potential delinquent from that environment which was the source of his contamination. 75 years later, an extremely influential figure, Sir Cyril Burt, published a major work - The Young Delinquent. (42) Burt asserted that delinquency reflected 'moral subnormality'. His study, based on a large sample of delinquents in London, concluded that such subnormality had a great number of contributory factors - mostly relating to poor parenting, bad families and broken homes - all reminiscent of the contributory factors asserted by Carpenter. Twenty years later Bowlby in a smaller but equally powerful study

pinned delinquency down to a general theory of 'maternal deprivation'.(43) The positivist tradition accords with the 'common-sense view', that delinquency can be attributed to the multitude of personal and social factors which describe a distinct pathology. But whilst it establishes the myriad familial dysfunctions which associate with delinquency, it fails to address the obvious issue of why many young people from similarly deprived backgrounds do not become seriously delinquent. Neither does it consider the effect of the justice system itself on promoting delinquency. And the inherent danger of the positivist tradition is that it tends to extend the net-widening and labelling process. As Cohen has reminded us, the non-delinquent is variously described as 'potential delinquent', 'at risk', 'pre-delinquent', 'hidden delinquent', 'delinquent-prone', or even 'latent delinquent'. (44)

Considered, as opposed to reactionary criticism of the 'welfare model' of juvenile justice first gained eminence in the United States in the mid-1970s where the apparent failure of the juvenile courts both to deal with juvenile crime and to respect offenders rights led to proposals to restrict the courts' powers of discretion and to introduce greater legal safeguards.(45) Indeed Parsloe has indicated that even as the 1969 Act was being implemented in this country, the United States were turning away from a welfare oriented juvenile court system. Nevertheless similar criticisms soon followed in England and Wales.

In 1980, an influential book was published entitled 'Justice for Children'.(46) Its authors, whilst accepting the abundance of evidence that many juvenile offenders also "suffer" from a host of personal and social deprivations, questioned the assertion that the one necessarily causes the other and, more

importantly, that the alleviation of the one will necessarily result in the eradication of the other. In addition, they pointed out how the philosophy of unfettered intervention in the lives of those who appear before the Juvenile court, can infringe their civil rights. (47) A recent major review of the research by Rutter and Giller has concluded that at best, causal links between personal, psychological and social factors, and delinquency are unproven. (48) Such a conclusion echoes an earlier assertion from the Howard League for Penal Reform :

"It should be stated categorically that whatever other problems may be susceptible to treatment delinquency is not one of them. It is indeed possible to help delinquents in a variety of ways which may, incidentally reduce their delinquency, but no method has been discovered which by itself alleviates their delinquent behaviour. " (49)

Thus two fundamental precepts of the 1969 Act, and much of the thinking which preceded it, are questioned. Firstly the causes of delinquency cannot, be assumed. And secondly, if causes cannot be assumed the concepts of diagnosis and treatment are suspect. Many practitioners have therefore concluded that the meeting of welfare needs and the necessity to respond to juvenile crime are not processes which are necessarily related, especially if welfare is interpreted as treatment and is invoked as a result of a court appearance.

The seeming inability to reconcile justice and welfare issues within the Juvenile Court setting has led to a number of alternative proposals for restructuring the system. In 1964, the Kilbrandon Committee suggested a system for Scotland which closely resembled those proposals embodied in 'Crime - a Challenge to us All', published in the same year. The subsequent 'hearing system' in Scotland has effectively replaced the system of juvenile courts

with a welfare tribunal although some commentators suggest that the justice/welfare dichotomy is still very much a live issue.(50) Just as the 1969 Act, in England and Wales, resulted in more intrusive intervention on both the custody and care fronts, so too in Scotland, more children have been removed from home as the result of the operation of Childrens Hearings. (51)

In a limited study, published in 1977, Priestley et al. concluded, not only that the separate strands of child care and justice should be disentangled but that two distinct populations of children would need to be provided for - those in need of "care and protection" and those who commit offences. Within their study they found few children who straddled both categories. (52)

In 1985, the Association of Directors of Social Services, in a paper entitled 'Children - still in Trouble' proposed, a new system, not unlike the Scottish Hearings, with regular reviews to monitor the dispensation of welfare by the local authority. (53) This proposal is one of a number which have pushed toward the idea of a family court. The latest has come from NACRO in their 1987 document 'Time for Change'.(54)

A rather different approach has been suggested by Harris. Rather than argue for a restructured court system he suggests that within the existing structure, courts would need to decide, in each particular case, whether or not welfare is the major consideration. If it is, then the "amount" of welfare dispensed would be subject to a test of proportionality which relates to the seriousness of the offence. Such a decision would therefore circumscribe the social workers discretion. This he neatly labels "just welfare". (55)

However alongside such proposals for restructuring or

reorganisation, practitioners have had to decide how best, and in what direction, they can wield influence within existing structures. If 'treatment' has become a discredited and unhelpful notion, its less benign obverse, 'punishment' as a method of securing a measure of social control over offenders, has proven to be equally, if not more, ineffective. Almost as an antidote to ill-conceived notions of treatment, the late 1970s and early 1980s witnessed the emergence of the 'justice model' as a more equitable framework for future action. The proponents of the justice model view offending behaviour as a matter of individual choice effected by opportunity. They hold the individual responsible for his or her actions and they justify intervention solely on proof of the commission of an offence. Responses to crime are determinate, proportional to the seriousness of the offence, and discretion is reduced to a minimum.

At about the same time as Morris and Geach were pointing out the dangers of unfettered welfarism, there emerged a group at Lancaster University who have done much to promote principles associated with the Justice model. Such emergence has effectively moved the argument on from the justice/welfare polemic. In May 1979, an influential article<sup>appeared</sup> which promoted the practice of monitoring of the juvenile justice system as a tool for systems management (56) Such monitoring was described as a legitimate social work activity in that it served to promote the preservation of childrens rights - rights which had progressively been eroded in the justice/welfare system. The term "gatekeeping" was adopted describing a process which sought to prevent young offenders from progressing unrestrainedly up through the tariff of outcomes available in the Juvenile Court. The focus of attention for such



activity was not so much 'what works?' but 'who do we work with?'. The Centre for Youth, Crime and Community was set up at Lancaster University, under the professorship of Norman Tutt.

In practice, the proponents of the 'justice' approach have attempted to follow a policy of "diversion" - diversion from the Juvenile Justice system and diversion within the system. The former involves using prosecution only as a last resort and is associated with a variety of local arrangements to foster "cautioning" or informal alternatives to prosecution. The latter involves a planned manipulation of the sentencing tariff available to the court. By means of carefully monitoring Social Enquiry Report recommendations and providing community-based alternatives to custody, an attempt is made to divert young people, at every stage, away from custody. As a measure of the influence of the Lancaster thinking, one only has to browse through the advertisements for staff of 'alternative to custody projects' in any professional journal. The latest evaluative studies conducted on behalf of the DHSS by NACRO seem to show that these 'alternatives' have effectively replaced some custodial sentencing.(57)

An appealing aspect of the justice model is that it responds to young peoples understanding of natural justice. It is certainly the common experience of those who work with young offenders, that what is expected by them of the justice system is a sentence commensurate with the perceived seriousness of the offending act. The concept of social justice may be ingrained in the psyche of the professionals but has little resonance in the mind of most juveniles.

A potentially disturbing aspect is that justice considerations alone could reduce the system to a harsh retributive

process, reminiscent of the sentencing policy of a century ago, when juveniles may have been dealt with equally - but equally harshly. Values such as compassion and forbearance would be abandoned. But as Harris has pointed out, a consideration of the proposals of the justice theorists demonstrates that they have not discarded such ideals, but that those beliefs derive not from their justice theories, but from a quite separate value system, which clearly distinguishes them from the reactionary right. (58)

One further problem of the justice model is that its protagonists give a lot of advice about what not to do but say little about how the welfare needs of young offenders are to be met. As will be shown in the research reported in Chapter 6, a significant number of such offenders have major welfare needs. The model gives little cognisance to those issues of social justice which so motivated the early reformers of the justice system. Additionally, it does not fit in with much that we know about juvenile crime. As Raynor again points out, crime as a rational act hardly describes the impulsiveness which is so characteristic of much juvenile offending. (59)

In the meanwhile, no substantial or radical reform of juvenile law or the structure of juvenile justice has taken place. Instead the 1982 Criminal Justice Act attempted to add to, and subtract from the system. On the one hand it gave magistrates greater powers whilst at the same time it introduced safeguards against unbridled use of custody. It also strengthened the principle of determinate sentencing, a principle more in keeping with justice than welfare models of the juvenile justice system.

The six major changes in the 1982 Act were as follows :-

1. The structure of custodial provision and sentencing was changed. Previously magistrates could sentence a young person aged 14 or over to 3 months in a Detention Centre. Those aged 15 or over could be sent to the Crown Court with a recommendation for Borstal - an indeterminate sentence of between 6 months and 2 years. The new arrangements enabled magistrates to send 14 year olds to DC for a determinate period of between 3 weeks and 4 months, and to send 15 year olds directly to Youth Custody (Borstal re-labelled) for a determinate period ranging from 4 months to a year. Thus the power to impose direct custody was increased from 3 months to one year. They were also enabled to impose a custodial sentence for as short a period as 3 weeks. In addition Section 22 of the Act enabled them to prevent any young person made the subject of a Care Order for a criminal offence, from being placed at home if he or she subsequently re-offended.

2. Safeguards were introduced which were intended to prevent any custodial sentence being awarded unless specific criteria were met. These are (i) The offender is unable or unwilling to respond to a non-custodial penalty. (ii) The offence is so serious as to render a non-custodial penalty inappropriate. (iii) There is a need to protect the public.

3. Two further specific alternatives to custody were introduced. They were (i) The extension of Community Service Orders to 16 year olds and (ii) The introduction of "activities", specified by the Court, as a condition of supervision.

4. A further condition of Supervision was added in that a night curfew could be required for a maximum period of 30 days. Additionally a condition could be added with an order to refrain

from certain specified activities.

5. Section 23 of the Act resolved the anomaly created by the 1969 Act whereby Section 7/7 Care Orders were not subject to the care and control test. However the introduction of that test came at a time when nationally such orders had been reduced to a very small number.

6. Section 25 of the Act limited the autonomy of Social Services Departments in their use of secure care, without a court hearing. The approval of the court had now to be sought whenever a local authority wished to place a young person in secure care for a period in excess of 72 hours.

The 1982 Act therefore enabled magistrates to impose longer custodial sentences, but introduced safeguards against their use. The range of determinate sentences was increased and, conversely, indeterminism, which traditionally related more to the circumstances of the offender, than the actual offence, was reduced.

The immediate consequence of the Act was a sharp drop in the numbers going to Detention Centre (surprising in the light of magistrates demands for shorter sentences) and a massive increase in longer sentences (previously only awarded by the Crown Court). However numbers going to custody then began to fall. In 1984 a total of 6800 14-16 year olds received custodial sentences, of whom 2200 went to Youth Custody. By 1985 the total going to custody had reduced to 6200 and by 1987 to 4100. (60)

However in a limited study, carried out in 1984, Burney showed that the safeguards were laxly applied and had been subject to widely discrepant interpretations. (61) A further limited study in Wales concluded that 'seriousness', 'unwillingness',

'inability' and 'public protection' were viewed quite differently from one court to another and that sentencers in both the Magistrates and the Crown Courts will read into the safeguards whatever they wish. A memorable phrase used in one Appeal Court was " This Court can recognise an elephant when it sees one, but may not find it necessary to define it. (62)

How then are we to make sense of a justice/welfare system which continues to bear the burden of ideological confusion? The issue is not one peculiar to Britain but permeates all Western societies. Some nations have developed systems which lean toward a justice approach, whilst others remain heavily welfarist. (68) The problems posed by delinquency in young people relate not just to the behavioural dispositions of individual young people, but also to the nature of society and its reaction to what it perceives as deviant. As was seen in the quite bitter reactions to the 1969 Act, the debate takes place not just at a thinking level but also is very much the concern of the man in the street. The debate is often caricatured as a battle between the proponents of 'law and order' on the one hand, and the 'do gooders' who are soft on delinquency, on the other. The latter describe the former as reactionary and retributive and the former claim the latter justify wrongdoing. Thus the debate moves away from objective measures and into the political arena, where feelings count as important as facts. Nothing incites passion more effectively than the spectre of unruly youth.

Within this context, what then are the objectives of the justice system ? Is it possible to react formally to delinquency but also avoid the spectres of deviancy amplification and secondary deviance to which Parker has alerted us ? (63) Is it possible to

operate a system based on natural justice but also to take account of the social inequalities which attend many of those who become embroiled in the justice system ? And what exactly do welfare services hope to achieve ? This research study, attempts to answer these questions within one area of Wales - South Glamorgan.

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## CHAPTER 2

### FUNCTIONS OF WELFARE

#### 2.1 Welfare as Social Control

The preceding chapter outlined the historical development of welfarism within the Juvenile Justice system, the subsequent consequences of such development, and the growth of the Justice movement. This chapter seeks to examine the nature of welfare, and in particular the welfare needs of those young people who find themselves emmeshed in the Juvenile Justice system. It establishes a context for the studies of the Justice System and Welfare Services within South Glamorgan, which are reported on in Chapters 5 and 6.

Whilst social welfare can be viewed as a form of assistance given to those with social disadvantage or special need, it is apparent that this notion of 'help' - freely offered often has a price-tag. Thus Cohen has described social work as one of :-

"the organised ways in which society responds to behaviour it regards as deviant, problematic, worrying, threatening, troublesome, or undesirable in some way or another." (1)

Reference has already been made in the preceding chapter to the motives of the forerunners of social work - the child-savers of the nineteenth and early twentieth centuries. That age was characterised by contrasts. Wealth was inherited rather than acquired and power, in its many forms, was held by a few. Industrialisation had transformed the poverty of an agrarian economy into the greater poverty of industrial destitution. Labour was a commodity which was exploited to the full. It served the interests of those who owned wealth and held power for the status quo to be maintained. Within this context, the philanthropic enterprise and charitable reform of Victorian and Edwardian England can be seen as preserving the status quo, espousing the values of the privileged, and effectively sedating those who might feel tempted to revolution.

Despite the undoubted altruistic motives of much of the work of the early child-savers, the early tradition of social work with children can nevertheless be seen as rooted in the mechanisms for establishing social control. Recent analysts of the Juvenile justice system claim that its basis remains rooted in such control and perceive welfare as performing a controlling function. Thus Morris and McIsaac could claim in 1978 :-

"Social welfare is a form of social control. Concealment of this leads to hypocrisy and injustice; acknowledgement leads to a reconsideration of recent trends in juvenile justice policy. Children who offend require protection from the 'humanitarianism' of social welfare." (2)

But custody too is a most coercive form of social control and such theorists place social welfare in the same category as custody, although they perhaps distinguish between more and less benign forms of coercive control. It is significant however that in the early 1980s, the critics of welfare were using 'custody' and

'care' as synonymous terms.(3)

'Social control' is a somewhat threatening term. At its most sinister, it conjures up a spectre of the coercive and oppressive apparatus of the State -curbing individual freedoms, stifling individual rights and securing compliance to the will of the State. But in a less malevolent form the process of social control can be recognised as a basic mechanism within ordered society, regulating the conduct of social relationships. There are few processes relating to the normal socialisation and education of the young which cannot be described as forms of social control. No matter what ideological model of society is promoted, it is difficult to visualise an ordered social system without generally accepted norms of behaviour, without linked deviations from those norms and without sanctions for their infringement. Labelling theorists such as Becker have reminded us that deviancy is not an attribute inherent in particular behaviour but is a property conferred on that behaviour by those who perceive it as such. (4) Deviancy can thus only be described as an interaction between a particular act and those viewing that act. However perceptions of acts are not random but are conditioned by the human socialisation process. Norms are transmitted from generation to generation and though they evolve through time they are widely shared within society. Whilst there are normative differences between cultural groups, there is nevertheless a wide consensus on moral questions involving the distinction between what is 'right' and what is 'wrong'. When individuals deviate from social norms they do not necessarily reject the values which those norms represent. Common values bind society together and demands for control are made whenever those values are seen to be threatened. What appears to

worry people about mundane crime (as well as the rarer outrageous variety) is not so much any material loss, but the social values which the criminal act negates. And whilst much social reaction to minor juvenile crime can be described as "moral panic" the social worker does well not to forget that if he wishes to persuade the public to accept lower levels of custody, no amount of statistical proof demonstrating the ineffectiveness of custody will succeed unless it can be shown that alternatives recognise the basic human desire for a controlling mechanism to operate whenever values are threatened. So the "short sharp shock", or at least its myth, persists, not because it is necessarily considered to be an effective deterrent or agent of reform, but because it is perceived within the social psyche as an effective "denunciation" of acts which offend normative values.

This reality was best demonstrated in the Governments Detention Centre experiment in 1980. As a response to a cry for more 'law and order', it was decided to change the regimes of New Hall and Send Detention Centres, in order to incorporate a more disciplined approach. The scheme was thoroughly researched by the Home Office. The results demonstrated that not only did the new regimes not deter subsequent offending any more than did the old, but that the brisker approach was actually preferred by most inmates. Publication of the research was much delayed, for fairly obvious reasons. The final publication was low key and was greeted by a Government statement that the regimes were in fact effective. At a later date the experiment was quietly brought to an end. (5) Despite the need for society to have confidence in the way crime is responded to, there is little evidence that the victims of crime demand evermore punitive sentences, but they do expect a

constructive response. (6)

One problem is that whilst we may be able to describe a broad consensus of values within society, the criminal justice system tends to punish deviancy differentially -the lower the social status of the offender, the more severe the relative response. (7) Within such a context a major question for social workers is the extent to which they should allow themselves to be instruments of such "selective justice". It is when social workers observe structural inequality within social institutions that they question the ethical base of social control. (8)

## 2.2 Welfare as Treatment

Those who criticised the development of welfarism within the context of juvenile justice asserted that 'treatment', as a concept was but one further form of covert social control. There are two principal justifications for 'imposing' rather than just offering treatment to young people.

The first concerns the problem of providing justice in an unjust society. For whilst it may be asserted that adults and children alike may suffer from a host of social deprivations, there is a special duty to protect young people and to make attempts to compensate for social and emotional deprivation. Put in another way, children have rights over and above the right to be free from unwanted interference by others. They also have 'positive rights' - the right to have met their basic needs for security, shelter and affection. Many children and young people within and without the justice system suffer from a number of deprivations which deserve our attention. Asquith, for instance, in reflecting on the consequences of a pure justice approach, warns :-

"Policies which ignore the social and economic realities in which children find themselves, while promoting greater equality and justice within formal systems of control, may not only ignore, but may compound the structural and material inequalities which have been historically associated with criminal behaviour" (9)

The second difficulty concerns young people's capacity to make rational choices. For as Biesteck has pointed out, to be able to freely choose, a person must have a capacity for rational choice.(10)

"The client's right to self-determination is limited by the client's capacity for positive and constructive decision-making, by the framework of civil and moral law and by the function of the agency." (11)

Our experience of rearing children demonstrates that handing over responsibility for self-choice to the child, is a gradual process. And the speed of the process varies from child to child. The State, as well as the parent, finds the task of working out when or when not a young person may or may not be assumed to have the capacity to make a variety of rational choices, a difficult one. In terms of assuming responsibility for criminal acts, the law currently holds that fourteen year olds are responsible; that ten to thirteen year olds may be responsible; and that the under tens are not responsible. The law also determines that as the young person passes through adolescence, he or she is allowed to participate gradually, in a series of adult activities which have hitherto been proscribed. The stages of achieving adulthood in a legal context are complex and not entirely logical.(12) And the age at which rationality can be assumed is equally complex. The problem poses special difficulties for those working within the Juvenile Justice system. By way of example, the point when boys are allowed that much prized freedom - the freedom

to leave school and begin work, coincides with the age when the incidence of offending is at its maximum. And the point therefore when the young male is being offered a freedom he values more than any other, coincides with the point when the effectiveness of welfare professionals is being judged in terms of their capacity to exercise social control.

Welfarist notions of how to help young people rest on the treatment principle. The assumption here is that the social worker possesses expertise which he can apply and which will assist in the amelioration of social problems. Intervention is triggered, not because it is necessarily asked for, but because the worker's diagnosis determines so. Thus treatment, as custody, is coercive. A linked assumption is that young people lack the capacity to know what is in their interests, and the worker's capacity to diagnose problems and prescribe solutions overrides the young person's capacity to describe for himself what is best for him. Such practice led to the widespread use of care orders in the years following the 1969 Act and poses very big problems for social work. When there is no agreement between the young person, the parents and the worker, concerning the nature of problems and the kind of help that is required to respond to those problems, a sense of grievance often prevails which prevents effective work taking place.

A very good example of such conflict of objectives was demonstrated in Walter's 1977 study of a Scottish List D school. (13) Questioning of the professional staff in the school elicited that they saw young peoples's problems in terms of the familial, environmental and consequent attitudinal dysfunctions which had led to offending and subsequent incarceration. The young people



themselves however viewed such factors as matter of fact and perceived their removal from home as their major problem. The objectives of the staff and inmates within the institution were thus at variance. The staff described what they offered as 'help', yet it was they who defined what help was required. In fact the young people were being 'helped' in a coercive framework, and whilst they complied with that framework, in order to obtain release, they nevertheless rejected its basis.

Considerable recent discussion has taken place, within the context of the re-formulation of childrens legislation, as to the weight to be given to young peoples own views concerning their welfare needs. (14). Court proceedings in civil care cases remain heavily reliant upon the courts assessment of the individual young persons maturity.

### 2.3 Welfare as Help.

But welfare does have a further function - that of offering 'help' to all those who freely ask for it. Most often such a response is offered, not to those perceived as deviant, but to those who are deprived - the deserving as opposed to the undeserving. So in the early debates, children and young people were caricatured as of two kinds - the deprived and the depraved - the former deserving of help and the latter deserving of control. Linked with the notion of 'help' offered freely and unconditionally, is the concept of 'advocacy'. For the young person who requires help - be he or she delinquent, otherwise deviant or neither, is often in a position where the 'system' - housing, employment, social security, the justice system etc. is discriminatory. The worker then needs to act as advocate and

present a case in a compelling and forthcoming manner. This can create a role conflict, for those working with young offenders - the undeserving. For the worker's attempts to explain the context of the offending behaviour can be misinterpreted as excusing that behaviour.

A social control perspective of welfare therefore implies coercion and direction. Those who receive such welfare are frequently defined, not by the recipients themselves, but by others. Society decides, through its legal and regulatory apparatus, whom it regards as deviant and welfare is one form of response. In contrast, a 'help' perspective of welfare implies voluntarism and self-direction. And the recipients of such help are self selected. In practice 'control' and 'help' are often inextricably entwined within the 'acting in the child's best interests' process, with the result that the coercive element and the voluntary element are emmeshed one within the other. Whereas coercion operates as a limiting process, "help" by contrast, enables. Because of this distinction, the two processes have become uneasy bedfellows.

#### 2.4. Control, Treatment and Help

How can these apparently contradictory functions of welfare be reconciled ? In practice, one way of approaching such a question is to suggest that social work action should be characterised by a maximum amount of voluntarism and by implication a minimum amount of coercion. And that the coercive element should be commensurate with any need to protect the freedom of those who may suffer from the deviant behaviour of the offender. In suggesting such an approach to adult offending, Raynor has described a form of

probation with primary and secondary elements which sets out to separate the coercive element (which is required) from the voluntary element (which is optional) (15) The probation order is seen as diversion from custody and is clearly less coercive than custody. Custody deprives the offender of many freedoms - freedom of movement, freedom to work and support ones family. It places severe limitations on choice. For many of those currently in prison, especially for less serious crime, custody is unnecessarily coercive and beyond that necessary for the expiation of the offence. Yet many adult offenders express a need for help and it is reasonable to offer it. Voluntary participation in any programme which the offender sees as offering him the possibility of help is more likely to change his outlook and his life chances than over coercive measures which remove his choices and ignore his self stated needs. Within such a form of probation therefore, the coercive element is the inconvenience of having to report to the Probation Officer at the times and frequency specified. This forms the primary legal contract and functions as the expiation for the criminal act. But over and above this contract is a further negotiation between the officer and his client <sup>which</sup> ~~and~~ is dependent upon the client's assessment of the help, if any, he feels he needs. Within such an order there is no sense of being sentenced to welfare. The offender is effectively sentenced to 'diversion from custody' and any welfare help he receives is freely negotiated.

Can such principles be equally applied to young people ? One could indeed argue that the principle of minimum coercion and maximum voluntarism is as applicable. Nevertheless it can also be argued that for young people, the issue is less clear

cut. For social workers still have to take account of the social justice issue as well as make an assessment of the young persons competence to act in his own interests. And it is at least questionable whether or not the young person would always be able to disassociate the coercive and voluntary elements of the programme, as it progressed.

A compelling reason for emphasising voluntarism and rejecting compulsion rests not only on the ethical issue but also on the stronger possibility of effectiveness. Perhaps one of the best, well-known examples of offering help and harnessing the innate ability of young people is that reported by Millham (16) who monitored the progress of 400 children in care who took part in a Community Service Volunteers scheme. Young people with many problems who had hitherto had poor self images and low status rapidly developed new confidence when given responsibility and placed in a helping role. The essence of the scheme was its voluntary nature.

The principle of voluntarism cannot however be an absolute one. There are undoubtedly occasions when social workers have to make decisions for their young clients "in their best interests". Many of us have been in positions with young people when it has been extremely difficult to interpret what their true wishes are. Many of us have also been in positions when, despite the young persons declared wish, we have felt it necessary to make a decision which does not meet that wish. As a general rule, as children grow older, greater recognition can be given to their declared wishes, despite professional misgivings. But one regularly meets occasions when this presents extreme difficulty. A recent example, in the writer's experience, is that of a young man facing

custody, who chose custody rather than a community alternative. The worker concerned concluded that the variety of personal pressures that he was facing, exacerbated by a much delayed court hearing, had clouded his judgement and that a period in custody would damage him personally and would promote rather than prevent the likelihood of subsequent reoffending. She chose to inform the Bench of the young persons view but also stated her view. The Bench chose not to impose custody and at a later date the young man was clearly appreciative of the action of his social worker. By way of contrast, on another occasion a young man similarly chose custody, and despite the workers misgivings, he decided not to prevail otherwise upon the Bench. The worker's rationale was that the young man was capable of making an informed choice and should be allowed to discover for himself whether or not his choice was the better one.

Raynors concept of separating the coercive and voluntary aspects of the response are echoed in Morris et al's prescription for work with young people :-

"In rejecting rehabilitation as an appropriate goal for the juvenile justice system we are not rejecting the goal of helping delinquents..... Implicit in this principle of optional treatment is the belief that while the justification for intervention is the offence, the child himself may recognise the need for some services. Participation must however be voluntary. This recognises the child's right to decide on actions affecting his life and freedom." (17)

Morris therefore suggests that welfare services should always be voluntary and that, by implication, the worker should never act in the young persons best interests if his assessment of those interests does not coincide with the young person's. Giller solves the problem by implying that all that is needed to get round the coercive element of acting in the best interests is to seek

ever more imaginative ways of working :-

"By demarcating the coercive component of the court order ..... from the social work task, the obligation is placed squarely upon the social work professionals to make their services relevant to clients. Rejection of the services offered should not lead to the rejection of the client (and with it his removal to a more incursive form of intervention); rather, rejection should place upon those who seek to provide social work a professional obligation to look anew at what they are offering and to think constructively as to how to make their services more useful. By constructing and reconstructing services in this way the practical relevance of social work will become apparent." (18)

Were it that easy, social work with young people would indeed have come of age. I would suggest however that whilst it is possible to separate the issues for adults it is not always possible to reject the notion of involuntary 'treatment' for juveniles. Whilst the concept of treatment is much questioned and discredit has been heaped upon it, it is inevitable that the worker will continue to have to rely on his judgement as to what is in the child's best interests, if this conflicts with the child's wishes. Hopefully that judgement will be informed by that growing body of research which demonstrates the failure of much well-intentioned intervention, and mechanisms will exist whereby such decisions are subject to constant review and external scrutiny.

Twenty years ago, it did not appear that the problem of reconciling the twin aspects of welfare - offering help and exercising social control was a particularly difficult one. The White Paper - 'Children in Trouble' could confidently state :-

"It has become increasingly clear that social control of harmful behaviour by the young, and social measures to help and protect the young, are not distinct and separate processes. The aims of protecting society from juvenile delinquency and of helping children in trouble to grow up into mature and law-abiding citizens, are complementary and not contradictory." (19)

Because of our experience of the unchecked effects of welfarism, coupled with our greater scepticism of the capacity of welfare to effect change in the lives of its recipients, we are now perhaps less confident of such a claim. But the need both to offer effective help and also to demonstrate that social work is capable of offering effective control remain as twin aims of welfare with young people, which the worker must continually struggle to reconcile.

But can services for deviant adolescents make a telling contribution to the provision of effective social control as well as providing relevant and effective help in a way which minimises coercion and maximises voluntarism ? Chapter 6 describes the operation of those services in South Glamorgan.

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## CHAPTER 3

### SOUTH GLAMORGAN - THE DEVELOPMENT OF SOCIAL SERVICES FOR CHILDREN AND YOUNG PEOPLE

#### 1. The County of South Glamorgan

South Glamorgan has a number of features which lend themselves to a study of juvenile justice and welfare services for juveniles. The county was created in 1974 when local government throughout the country was reorganised. The old county of Glamorgan was divided into three - West, Mid, and South Glamorgan. The county is different in size and character from its counterparts - in particular it contains none of the industrialised valley communities characteristic of its near neighbours - Mid and West Glamorgan and Gwent. Geographically it is the smallest of all of the eight Welsh counties, covering an area of only 160 square miles. It has a population of about 400,000. About three-quarters of its inhabitants live in the city of Cardiff, half of the remainder inhabiting the coastal town of Barry, and the rest scattered amongst the smaller towns, hamlets and countryside of the Vale of Glamorgan.

Cardiff, since 1955 the capital city of Wales, was, at the turn of the century, the largest coal-exporting port in the world, yet a few decades before it had been a relatively small market town. Since the First World War, its coal exporting-trade has been in gradual, then total, decline, until today it is largely dependent on service occupations. Its oldest southern part, with its history of cosmopolitan sea-faring communities and steel-making, is now being re-developed. At its western edge, it has a large post-war council estate - Caerau and Ely. To the east are the more recently developed estates of Llanrumney, Rumney, LLanedeyrn, Pentwyn and Tremorfa. Its northern suburbs are largely privately owned. In the centre lie the areas of Cathays and Roath which house the University based student population as well as the many young people who inhabit "bedsit land".

The City is served by a total of 28 comprehensive schools, almost all which are mixed-sex. Originally most of these schools were neighbourhood schools, but the effect of increased parental choice of school has been to create more varied school populations. The falling population of juveniles in the City has created a pressure for school closures and a recent plan to create a sixth-form college has resulted in much acrimonious debate.

In recent years the City has experienced all the economic pressures characteristic in the country over the previous decade. However the unemployment rate has never been as high as most other parts of Wales. There are good road and rail links to London. The City is within the 'M4 corridor' and has recently been considerably revitalised.

The only other town of any size is Barry on the southern coast. It too served as a port for coal exporting, but is now very

much in decline. Famous for its holiday resort, - the favourite holiday haunt of the valley communities, it now no longer has its holiday-camp and is beset with economic and social problems. As yet, little of Cardiff's recently acquired prosperity has spilled over to its near neighbour.

In contrast is the nearby Vale of Glamorgan with its fertile lowlands which service a thriving dairy industry.

## 2. Social Services for Children

### 2.1 The Context of Local Provision

As was described in the first chapter, one of the purposes of the 1933 Childrens and Young Persons Act had been to unify services for 'deprived' and 'delinquent' children. Yet in 1969, those services were anything but unified and the 1969 CYPA once again contained proposals to establish a unification of services. Prior to 1969 the local authorities were responsible for providing facilities for deprived children, and together with the voluntaries had established a network of residential and fostering services. Yet the approved schools to which the juvenile courts sent delinquent children were not controlled by the local authorities and were under the inspectorial eye of central government in the shape of the Home Office. Subsequent to 1969, a number of the approved schools closed, but the majority were taken over by local authorities and became community homes - identical in statutory status, but different in size and structure to the local authority childrens homes. A number retained 'controlled' status which meant that managers independent of the parent local authority were retained on the Boards of Management. These 'marriages' were not without their difficulties - in many cases local authorities found

themselves responsible for the first time for large residential institutions, wherein resided children from many miles distant, staffed by those with quite diverse backgrounds, salaries and conditions of service. To further complicate matters, the takeover was followed by restructuring of Social Services Departments and reorganisation of Local Government.

It is not therefore surprising that, like other aspects of local government, Social Services in the early 1970s were in a state of some flux. 'Policies' or 'strategies' took some time to emerge and professionals were left to determine the direction of practice as they saw fit. South Glamorgan was no exception to this general situation.

## 2.2 Regional Provision for Offenders.

Throughout the 1970s and early 1980s, no direct policy toward children who became involved in the Juvenile Justice System existed in South Glamorgan. Social workers were generally unaware of the emerging system of liaison with the police over cautioning as an alternative to prosecution. So far as the courts were concerned, social workers were able to advise the courts as they individually saw fit, through the medium of Social Enquiry Reports. Custodial sentences could be, and frequently were, recommended, and a range of reasons could be found in reports which variously described how custody would meet the needs of the young person.

Minor delinquency amongst children who were the responsibility of the Department was contained within the ordinary residential provision within the County. Apart from fieldwork support, and a number of short-lived projects organised by area teams, there were no specific non-residential support

services for Social Services clients. Once delinquency became more serious, a place was invariably sought within the CHE system. And whilst the CHEs were now within local authority control, they were regionally organised and financed.

At the implementation of the 1969 CYPA, (1971), a Regional Planning Committee was set up in Wales. The RPC was one of 12 which covered England and Wales and its dual task was to oversee the CHE system and to coordinate Intermediate Treatment. As related in Chapter 1, the RPCs tended to concentrate on the former task. The Welsh RPC was based in Mid-Glamorgan. Former remand homes were transformed into 'Observation and Assessment' centres. Three, - in West Glamorgan, South Glamorgan and Gwent covered South Wales and a further centre served North Wales. The CHE system contained places for about 350 boys and 50 girls. Four boys schools and a girls school were to serve South Wales, with a further school for boys in North Wales. The Regional Plan of the time makes interesting reading, as now viewed in the context of subsequent events. Its theme was expansive, and it talked of ever improving (and more expensive) services within the CHE system. One particular area of expansion was the creation of a series of small secure units. As we now know, such plans were mere delusion, and the two decades which followed 1969 were to see the end of the CHEs.

By the late 1970s, the financial viability of the CHEs in Wales, as elsewhere, was on a downward spiral. The cost of the number of places provided exceeded the finance made available for CHE placement within individual authority's budgets, which meant that at the point in the year when those budgets were exceeded, placements could not be made despite places being available. Underoccupancy occurred, which resulted in attempts to make good

the resulting shortfall of income by raising the following years fees to placing authorities - resulting in increased underoccupancy and so on. By 1979, the first of a number of crisis points was reached, and the first CHE closure occurred. As Head of that CHE, I am aware that the closure was brought about as much by the increasingly impossible financial position, as by a feeling that community-based provision was preferable to placement in residence.

Two events in juxtaposition can be related which demonstrate the absence of any real sense of purposive direction at the time. The first is that in 1980 when that first CHE in Wales closed, of the 60 boys resident, only 22 required alternative residential placements. The remainder returned to the community. Yet at the very time of the closure, a new regional CHE for junior boys and girls was being planned in Gwent. It subsequently opened, and within two years was closed.

Four years later the CHE system in Wales was all but finished. In 1980, South Glamorgan had 120 boys and girls in regional CHEs. By 1983, this had dwindled to 69.

### 2.3 Local Intermediate Treatment Provision

Prior to 1978, no specialised resources had been developed within South Glamorgan which offered intermediate treatment. In 1976 an IT Liaison Group had been set up in the County, consisting of representatives from the agencies, the voluntaries, elected members and the Police. From that Group, a working party was set up to explore the possibility of an IT Centre being established. Barnardo's had by that time established some national expertise at providing various forms of IT and a decision was made to establish a centre at Yniscedwyn, a former Barnardo's childrens home, in

partnership with the Local Authority.

Two years later, South Glamorgan established a second IT Centre at Penhill. The brief of Penhill was not to provide IT for the full spectrum of children at risk but to concentrate on young people who faced the imminent prospect of removal from home into custody or custodial care. These were early days for the 'intensive IT movement', and Penhill had to feel its way without the benefit of a lot of what we now know. At the beginning, considerable quantities of day-care were offered, together with evening and weekend work. As lessons were learnt, intervention became less intrusive and more focused.

Nevertheless throughout the period 1978-1983, the IT Centres operated without the benefit of an agreed conceptual framework within the County - the framework which was established was largely generated from within the projects themselves. Additionally, the development of IT remained marginal to the thrust of child-care services within the County. Despite links with residential care, made especially by Yniscedwyn, IT and residential care ran their separate paths. Indeed despite the misgivings of the Penhill staff, the Penhill Project was prevented in its early days from offering assistance to children in residential care, on the basis that such would involve "double-funding".

#### 2.4 Local residential and fostering services.

In 1978, there were 1,118 children in care in South Glamorgan, of whom just 128 were in regional facilities. In that year a survey was conducted of social workers of those children in care, and each was asked whether the child was 'ideally placed' and if not, what that ideal placement should be. Results of that survey are shown in Table 2.

Table 2.

Placements together with social workers assessments of ideal placements. Children in care in South Glamorgan. 31 March 1978.

Type of placement	Nos.placed	Ideal placement
O & A Centres and CHes	128	122
DC/Borstals	23	12
Youth Treatment Centres	0	4
Nurseries	21	10
Family Group Homes	217	134
Voluntary Homes	74	63
Hostels	21	16
Foster Homes	288	375
Lodgings	19	28
Charge and Control	306	327
Other placements	21	27
Totals	1118	1118

Source: South Glamorgan Committee Report.Residential Care for Children. 31/10/80. (1)

In 1978, there were 26 residential establishments for children in South Glamorgan, of which 19 were Family Group Homes.(FGHs). The homes had mostly come into being after the war to replace the larger childrens homes which were characteristic of pre-war years. Their intention was to replicate family life and generally they were run by a married couple who lived-in, - with the husband following normal outside employment. CHes were not the only places which removed young people a long way from home. The report mentions that over 100 of those in care were placed outside the County - very few of these had special needs and many were very young indeed.

It should be noted from Table 2, that those placements which generated the greatest dissatisfaction amongst social workers were the FGHs. In effect, social workers were saying that many children in FGHs should not be in residence at all, but should rather be in foster homes. Altogether, of the 97 children identified as being in care and requiring foster homes, 57 were under the age of 12. 14 of the 19 FGHs had just 4.8 staff each and



many were dilapidated and run-down. It is also somewhat surprising to note the apparent lack of dissatisfaction with CHE places. Clearly, at the time, fieldworkers had no great aspirations for returning CHE youngsters to the community. As a consequence of this situation and the obvious state of disarray, in 1980 the Social Services Committee resolved to re-organise and re-structure its residential services. In summary, they determined to reduce the number of residential establishments to 17, to create groups of units with specific functions ( small group homes, pre-fostering units, hostels for adolescents etc.) and to strengthen some staff ratios and grades. A proposal was also included to transfer significant areas of responsibility from fieldworkers to residential staff, though case-accountability was to <sup>be</sup> retained in the area teams. The Committee also sought to reduce the number of out-county placements and to substantially increase the number of foster parents.

Whilst the Study reported on in Chapter 6 does not trace the performance of children placed in resources described in this section, this information and analysis is included here in order to give a full understanding of the performance of those resources which were to replace CHE provision. As will be seen in Chapter 6, many of the young people included in the Study Group had long previous histories of intervention within the Department and many had previously been fostered or placed in FGHs.

It is not intended to describe in detail how the 'residential plan' or 'operation foster care' developed. Suffice it to say that falling demand had reduced the number of residential establishments in this sector to 10 by 1983. By 1987, total numbers in care had been reduced substantially from 1118 to 679 (despite

the fact that the residential plan had forecast the numbers might rise). Of these, 328 were fostered, an increase of 40 in number but representing a substantial proportional increase.

There is no doubt that this period of time was a traumatic one for many residential staff, who were not as certain about their future role as were those who wrote committee reports. In a previous study (2), I showed the widespread malaise which existed amongst such staff at this time. That malaise was most apparent in those units whose specific role had not been made clear, and a number of staff were moved from unit to unit as successive closures took place. Between 1980 and 1985 there was in fact a 30% reduction in the number of residential staff employed.

### 3. The 'Strategy to Reduce the Crime Rate'

#### 3.1 The new initiative.

Whilst the authority had closed the only CHE it managed in 1980, in 1983 it still retained within a regional agreement, access to other CHEs within the Principality, in Gwent, West Glamorgan and Clwyd (boys) and in Mid-Glamorgan (girls). By 1983, the 60+ places which South Glamorgan were using were costing in excess of £1,000,000 per annum. In that year the Health and Social Services and Social Security Adjudications Act dismantled the Regional Planning arrangements which had been set up within the 1969 CYPA, and enabled Local Authorities to free themselves from regional obligations. It was therefore opportune for South Glamorgan to withdraw from Out County CHEs and to turn round the finance which was expended upon them to provide in-county community provision.

It is within this context that in 1983 the Social Services Department, largely at the initiative of a newly appointed Deputy

Director, decided to adopt a specific strategy of community provision to care for those young people who would previously have found themselves in custody (Borstal or Detention Centre) or "custodial care" ( defined as Community Homes with Education - CHEs). The "Strategy to Reduce the Crime Rate", as it was rather optimistically termed, was described as complementary to other strategies adopted in the Department at about the same time - the most notable of which was an important Strategy for the under-5s, the residential plan and the fostering initiative.

The text of the Directors report to Committee which announced this Strategy and described its rationale, bore a striking resemblance, in its more colourful passages, to Lord Shaftesbury's exhortations to Parliament a century before :-

" .... to take children away from home and lock them up is considered by some to be morally abhorrent - on a par with sending them down the mines or up the chimneys, where at least they were mixing with adults and learning an honest trade" (3) sic.

The rationale which accompanied the proposals also held out attractive prospects concerning the ability of community-based work to reduce levels of offending. Figures were quoted which claimed an 80% re-offending rate for young people from CHEs, compared with 20% for similar young people left at home and placed within a CSV scheme. Those who were aware of the sources from which these figures were taken, were also aware that they were presented in a way which exaggerated the possibilities for crime reduction. We were however also aware that it provided a conceptual framework within which to work and the strong possibility of a better deal for many young people. (see Appendix 1). Despite some of the wilder and more histrionic analyses of the past and expansive claims for the future, the Committee Report portended dramatic changes in

services for difficult adolescents in the ensuing years. These, coupled with prospective cost savings, provided an attractive enticement for professionals and politicians alike.

Apart from the frivolous and the semantic, there are however four areas of criticism which can be levelled at the Strategy Plan and which have a bearing on its future performance.

Firstly, the Strategy only concerned the Social Services Department. Other agencies - the Police, the Magistracy, the Education Department, the Probation Service - were not consulted and were not part of the new arrangements. At the time the inter-agency Local Liaison Group continued to operate within the County with its limited brief - to oversee IT development - but no attempt was made to use it to promote a truly inter-agency approach. How young people in trouble or with special needs are managed is dependent upon the operation of systems all of which <sup>a</sup>ffect one ~~with~~ another. Social Services provision is but one system. Its effective operation is dependent upon what is happening in the Juvenile Justice system. Both systems interrelate with Education Departments' policies for non-school attenders and for Special schooling. A truly strategic approach would have needed to have at its core a mechanism whereby overall policy was developed in concert.

A second area of criticism concerns monitoring. No specific arrangements were made to monitor future performance, either of the Juvenile Justice System, or the effectiveness of the newly adopted community provisions. The report to Committee which heralded the Strategy was couched in Messianic terms, as though the new must be better than the old. Axiomatic was the implied assertion that a young person left in the community was bound to get a better deal

than if placed in a CHE and it was therefore further implied that decarceration per se would be sufficient to demonstrate the Strategy's success. However previous experience of poor quality fostering and non-existent support services led a number of practitioners at the time to conclude that whilst the Strategy proposals were a necessary step, it was also necessary to show that the quality of young peoples lives in the community, however measured, would also be enhanced. It should be noted that in 1988 the Department initiated self-evaluation performance studies throughout the range of client groups, but for five years the Strategy developed unmonitored. Indeed it was the absence of monitoring and research as an integral part of the Strategy which prompted my own piece of work. Linked to the lack of monitoring was the fact that that no placement unit was identified. It was therefore left to resource heads, in conjunction with the Controller for Adolescent Services, to develop a mutually agreed placement procedure and policy

The third criticism is that the Strategy concentrated on a policy of decarceration and made no specific attempt to adopt a strategic policy for Social Services input into the Juvenile Justice System. Thus whilst the Department determined to bring about change in the area it controlled - the placement of children in care, it neglected to work out any way it could influence that which it did not control - the Juvenile Justice System.

The fourth area of criticism is that the only community-based resources which existed prior to the Strategy initiative - the two IT centres (Yniscedwyn and Penhill) were not mentioned in the Strategy document. Nor indeed were any of the residential resources which were to continue to play a role. This

clearly left these resources uncertain as to their future function, despite the fact that the IT resources had for some years been striving to promote strategic community-based policy.

I would assert that these identified shortcomings were all likely to affect the future performance of the Strategy.

### 3.2 Resources utilised within the Strategy.

At the outset, the "Strategy" prevented any new male admissions to the regional resources, excepting that boys on remand or 'time-out' could continue to be placed in West Glamorgan. Curiously there was no similar restriction on placement of girls in Mid-Glamorgan. It was not found necessary to find a great number of alternative places for those placed out-County at the time of the change since it was already within the individual plans for many that they be placed back in the County. However a number of "family group homes" were required to re-admit some quite difficult young people, at least temporarily. The significance in the adoption of the "Strategy" was not so much that fewer could now be placed at CHEs - since the number being placed in CHEs had been steadily falling for a number of years and would undoubtedly have continued to fall. More significant was the fact that the finance for CHE placements was not now to be lost in the general accounting sums, but was to be used to positively foster alternative, community-based provision for young people in severe difficulty.

The principal resources for the most difficult young people within the County, and which came under the Management of one Controller, consisted of those facilities which already existed, albeit operating within a pre-Strategy context, and other facilities which were set up with the freed up finance. Those falling within the first category were as follows:-

### 1. The Sully Unit

Sully had for a number of years been used as the County's remand home and "crash-pad" for boys. Admissions were normally on an emergency basis and short term. The unit was operating largely as a traditional O & A Centre. Twelve places were available. In 1983 a new brief was drawn up which envisaged that Sully would in future operate in different ways. However no alternative brief was devised for emergency functions, and Sully was therefore to continue to bear the burden of housing large numbers of unplanned short-term residential admissions.

### 2. Salisbury Rd

This unit was formerly a purpose-built childrens home in Barry. It contained provision for 7 places for boys and girls. Under the new arrangements its function was to prepare young people for the new Community Placement Scheme. A Coordinator was appointed to manage both Sully and Salisbury Rd. and the two units were to be jointly known as "Southleigh"

### 3. Yniscedwyn

Yniscedwyn was an Intermediate Treatment facility, set up originally in 1978 on a partnership basis with South Glamorgan. For its first two years existence it had been the only IT Centre in the County and concentrated very much on day care programmes. By 1983, it had diversified its programmes - offering one day and three day split week programmes in conjunction with local schools, together with evening groups and a girls group. Certainly from 1980 onwards its policy had been to offer programmes only to those at the "top end" of the deviancy spectrum.

### 4. Penhill

Penhill had been set up in 1980 at the time when the

County's only CHE had closed. It largely offered alternative to custody programmes under the auspices of a Supervision Order with IT attachment, though its programmes were 'needs' based and were not time limited. Despite declared aims of attempting to rehabilitate young people to school, it had operated as an alternative to school in the absence of any overall County Strategy on non-school attendance.

#### 5. The Adolescent Complex

Although the Complex came into being in 1983, it consisted largely of two former hostels -one for boys and one for girls. To each hostel was attached a semi-independent unit - formerly staff accommodation. In addition was attached an independent bed-sit style unit which had been converted from a former family-group home.

6. Seven places for boys, largely of a short-term nature were retained for use in West Glamorgan.

7. Seven places for girls were retained at Silverbrook CHE in Mid-Glamorgan.

The second category of resources were those specifically set up at the inauguration of the Strategy. These were :-

#### 1. The Community Placement Scheme

By 1983 a number of authorities had developed specialised fostering schemes for adolescents, along the lines of that originally pioneered in Kent. (4) Such schemes had achieved notable success with teenagers with severe behavioural problems who had hitherto been deemed unfosterable. The Community Placement Scheme was initially set up with 24 places. Four Senior Practitioners were appointed to recruit, train and support "Community Parents". Based at Salisbury Rd., they came under the management of the Southleigh



Coordinator.

## 2. Community Service Volunteers

A partnership was formed with the CSV organisation to provide volunteer placements for young people who were in at least their last two terms of school, who faced custody or who were returning from custodial care.

In addition to these resources, four new fieldwork Senior Practitioner posts were created within the Areas teams - to hold a caseload and to coordinate and initiate IT type activities in the community. A later gatekeeping function was developed.

The research, the findings of which are contained in Chapters 5 and 6 is based on data obtained for the operation of the Juvenile Justice system in 1986 and 1987 and for that part of the Welfare system designated to manage difficult adolescents, straddling the year 1987. Between 1983 and 1987 each of the resources developed considerably within the context of the Strategy and it is not proposed here to detail each development within each resource. Nevertheless, some basic changes and additions had occurred by 1987. These were :-

1. An additional residential resource had been added. Beechley Drive, a former group home in the Fairwater area had become a satellite of Southleigh

2. Penhill had taken cognisance of the 1982 Criminal Justice Act and had introduced a time-limited Specified Activities Order programme as an alternative to custody and separate to a welfare-based day-care programme.

3. Yniscedwyn had dropped its one day per week programme and had set up a course to specifically address traffic offenders.

4. Toward the end of 1987, Southleigh introduced a specific

Community Placement Scheme for short-term emergency and remand situations. (SAINTS)!

5. The Adolescent Complex had closed its boys hostel and the remaining hostel had become mixed. In addition a number of former FGHs had been converted to unstaffed lodging houses supervised by a newly created Community Team from the Complex.

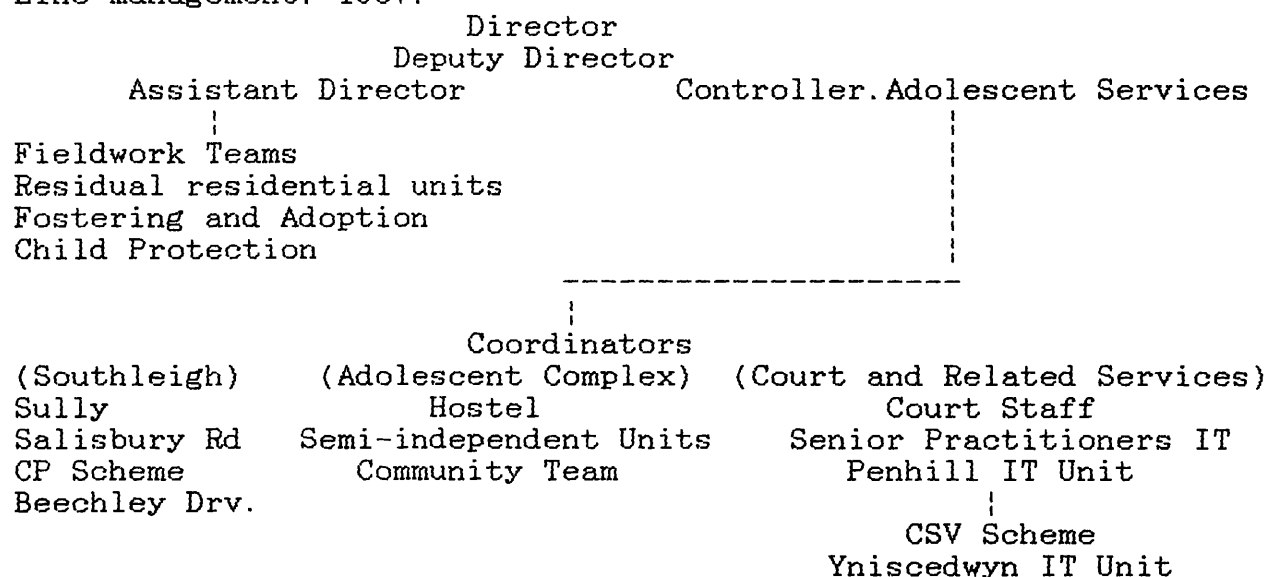
6. By 1987, the seven retained places for boys in West Glamorgan were no longer used. The only out-county places within the Strategy, apart from an occasional negotiated use of secure accom<sup>m</sup>odation at Kingswood in Bristol and the Atkinson Unit in Exeter for which a budget was retained, were the seven girls places at Silverbrook.

7. A new post of Principal Assistant-Court and Related Services was created in late 1985 (My own post). This provided line-management for Penhill - coordinated the work of CSV and Yniscedwyn - managed the work of the Court Section which had previously free-wheeled under the distant oversight of the Controller for Adolescent Services - and managed the work of the four Senior Practitioners (IT). Case accountability for the caseloads of the Senior Practitioners was thus removed from the Area Teams, though the Practitioners retained an advisory and coordinating role within the areas. By 1987, the caseloads of the Senior Practitioners exceeded 50 in total number.

The introduction of the Strategy effectively split the management of services for children in two. On the one hand were the Child and Family fieldwork teams, specialists working in the child protection field, and some residual residential services, including a newly opened reception and assessment centre (Taff Vale), under the control of the Assistant Director, Child and

Family Services. On the other were the Strategy resources, under the control of the Controller for Adolescent Services.

Figure 1  
South Glamorgan Social Services Dept. Services for Children.  
Line-management. 1987.



#### 4. The inter-agency context of Juvenile Justice.

It has been noted that the Strategy was essentially a Social Services affair - a policy for 'decarceration' - which did not involve collaborative initiative with other agencies. Nevertheless the Strategy was required to operate within the context of a juvenile justice system involving the Police and Courts as well as Education and Probation.

The county is divided into petty sessional areas, each with its own Juvenile Court. Cardiff Juvenile Court serves the City whilst the Vale of Glamorgan Court serves Barry and the Vale. The County has three police divisions - C and D divisions servicing the City, and E division, Barry and the Vale. The Probation Service had one team serving Cardiff and another the Vale. Social Services however were divided into four Districts, three in Cardiff and one in the Vale. Each District is sub-divided into two - there being a

total of eight child and family teams. Juvenile Liaison panels service the three police divisions. Whilst the internal organisation and overall functions of the agencies are quite different, their geographical boundaries of responsibility are approximately co-terminous. ( See Figure 2 ).

Figure 2. Agency divisions. County of South Glamorgan.

	Cardiff	The Vale of Glamorgan
Population	290,000	110,000
Juvenile Courts (2)	Cardiff	Barry and the Vale
Police Divisions (3)	C.Div. D.Div. E.Div.	
Probation Teams (2)	Cardiff	The Vale
Social Services.	Ely	Barry
i. Child and Family Teams.(8)	Canton Splott Trowbridge Roath LLanedeyrn	The Vale
ii. Strategy Resources	Centralised and available throughout the County.	

This then was the context in which the "Strategy" was introduced. The remaining chapters explain the methodology of the research study and evaluate the "success" of the Strategy.

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## CHAPTER 4

### THE RESEARCH PROJECT

#### 4.1 Monitoring and research in South Glamorgan.

In Chapter 3, a new Strategy was described which was adopted by South Glamorgan Social Services Department in 1983 and which set out to promote a minimum use of residential care coupled with a maximum effort to support young people within the community. Such a Strategy was in keeping with much of the ideology of other service provision in the 1980s, parallel developments occurring in Wales for those with a mental handicap and, more latterly, for the mentally ill. (1)

The shortcomings of residential care have been well documented. To a degree, community care, as opposed to institutional care, has become a byword for working with disadvantaged groups for whom Social Services and the Health Service have a responsibility. Indeed at the time of writing, the notion of community care across the client groups has been promoted within the proposals of the Griffiths Report - proposals which, in

concept, have received wide support.(2). Nevertheless it is important that community-based care does not become an ideology in its own right, immune from investigation as to its effectiveness.

As Walton has reminded us:-

"Just as residents have been scapegoated by society, so residential care has tended to be scapegoated by researchers, who search for the harmful rather than the helpful aspects of care.....In addition there is an implied idealisation of community living. Punitive structures, inhumane treatment and neglect..... are assumed to be a property of residential life and not the community. In contrast to this view we can ask whether the treatment of some people by the Supplementary Benefits Commission, Housing Departments, and Social Services Departments will be proved any less coercive,degrading and neglectful." (3)

As described in Chapter 3, a surprising feature of the South Glamorgan Strategy was that no initiative was taken to set up a monitoring and research programme. Instead research was left to those interested individuals, usually students, who wished to mount particular studies. In the main these studies and reviews sought to examine aspects of effectiveness of service provision, although no work had been carried out which investigated the overall performance of the Juvenile Justice system, which provided the context of the operation of those services.

This research thus sets out to make good the deficit. It measures the performance of the Juvenile Justice System together with the operation of those resources specifically set up or taken on, as part of the Social Services Departments "Strategy to reduce the Crime Rate".

#### 4.2 Previous post-Strategy studies.

The first study which looked at an aspect of service provision, was carried out by Paula Ronson, a C.Q.S.W. student, in November 1985. (4) This attempted to evaluate the success of the placements of 43 young people placed with Community Parents

between May 1984 and October 1985. Overall the study reported positively on the effectiveness of community placement. Once established, criteria for admission were kept to, with the scheme offering placements to those discharged from CHEs, as well as those facing the prospect of admission to a CHE or custody. About half of placements which had come to an end at the time of the study had terminated through breakdown, though the breakdown rate was considerably less for those placements which lasted for at least three months. Of those placed for more than six months, 73% of previous offenders had not re-offended and 91% were considered to have shown an improvement in behaviour. Very few were thought not to have benefitted at all from the placement. The study revealed a number of concerns. Those who manifested their difficulties in inward rather than out-going ways were found to be difficult to help. School response was poor during the majority of placements and for a number it deteriorated even further during placement. And a higher than expected number of long-term placements developed, thus detracting from the time-limited, task-centred ethos of the scheme and preventing further admissions. The study was limited in that it was unable to follow up placements, for any period. It attributed change, or lack of it, to the placements without taking much account of other influences on the young persons' lives and much of the assessment of change was made by the enthusiastic and committed professional personnel who had pioneered and developed the service and therefore lacked complete objectivity.

In late 1985, Community Service Volunteers published a review of their partnership scheme with South Glamorgan. (5) This outlined the progress of the 72 young people admitted to the scheme between November 1983 and September 1985. Reduced levels of



offending and other forms of deviancy were measured and the young people involved in the voluntary placements expressed appreciation of the help they had received from the scheme.

A further study was carried out by Patricia Barry as part of a thesis submitted for a M.S.W. degree at the University of East Anglia in December 1986. (6) This examined the performance of 48 of the 62 young people from South Glamorgan who were resident in out-county CHEs in May 1983 and who from that date were discharged to alternative community provision, following the adoption of the Strategy. Very few of the young people were actually placed at home. Twelve went to community parents. Fourteen went to hostels or to independent living. Six went to 'family group homes' and a number to Southleigh. Unfortunately at the time of the study, the 48 young people had been in the community, post-discharge, for varying periods - 17 for less than and 31 for more than twelve months. Thirty-nine were still in the community and of these, 20 had re-settled without overwhelming difficulty. Nevertheless many of those who remained in the community, as well as those who did not, experienced trauma, and were ill-prepared following their discharge from a period of institutional life. Thirty-one young people experienced placement breakdowns. Eleven had more than five moves. One moved 12 times, one 17 times and one 23 times. Thirty-one appeared in court during the period of review and eight received custodial sentences. Furthermore the study showed that the resources which were utilised did not appear to be ready to undertake the task which was quite suddenly thrust upon them.

Further research was carried out by Keith Brownlie and submitted as a thesis for the degree of MSc (Econ) at the University of Wales (Swansea) in mid 1988. (7) This piece of work

was an attempt to evaluate the day-care programmes at the Yniscedwyn Project. A group of 64 young people were selected who had attended the Project between September 1980 and July 1983 and these were looked at alongside a comparison group of 49 resident in CHEs during the same period. Within the two groups, frequency of placement, school attendance and offending were measured prior to, during and after placements. The study established that the Yniscedwyn group were as problematic in terms of manifest deviancy prior to admission, as were the CHE group. School attendance improved considerably during placement, for the Yniscedwyn group, although this was short-lived once placement had ended. Court appearances were significantly fewer for the Yniscedwyn group during placement and subsequent offending attracted fewer and shorter custodial placements. Yniscedwyn intervention was less intrusive and far less expensive than CHE placement. Although this brief summary does less than justice to this extensive study, it can be concluded that overall this form of community support was shown to be encouragingly effective.

Previous studies are therefore of two main types. They either look at the operation of one project and attempt to measure outcomes (as did the CSV review, the Ronson Community Placement study and the Brownlie Yniscedwyn study). Or they identify a group of young people (as did the Barry CHE Leavers study) and chart their progress.

#### 4.3 The Juvenile Justice System and Strategy resources - some definitions.

In the previous chapter, it was noted that the management of young people with special needs is dependent upon the operation

of a number of systems, including those operated by the Education department. This research is however limited to the operation of two systems - Juvenile Justice and the network of Social Services resources which were specifically targetted at adolescents.

The Juvenile Justice system delivers an official response to those juveniles apprehended by the police for committing crime. The system which provides services for deviant adolescents does a number of other things. The two systems are discrete in that each has its own separate framework and authority for decision making. Yet the systems are interlinked in so far that they can both be seen to be pursuing interlocking goals and the social work agencies work within both arenas. Within the Juvenile Justice system, decisions are made by the Police (and latterly the Crown Prosecution service as well) and by the Juvenile Court. The former decide who is to be prosecuted and the latter determine the minority of disputed cases as well as the outcome for those successfully prosecuted. Both decision making processes are influenced by other agencies. The Social Services, Probation and Education Departments in South Glamorgan all participate in the Juvenile Liaison panels, where the decision (or not) to prosecute is considered. All three agencies contribute reports to the courts which are influential in determining outcomes. Decisions to admit to resources however, are not generally made in a juvenile court, but by those who provide the overall management of services. Furthermore the court can decide, by making a Supervision Order for instance, to direct an agency to work with a young person, but leaves it to the agencies' discretion as to how that duty will be exercised. To complicate the situation further, both those who make decisions within the Justice system and those who make decisions

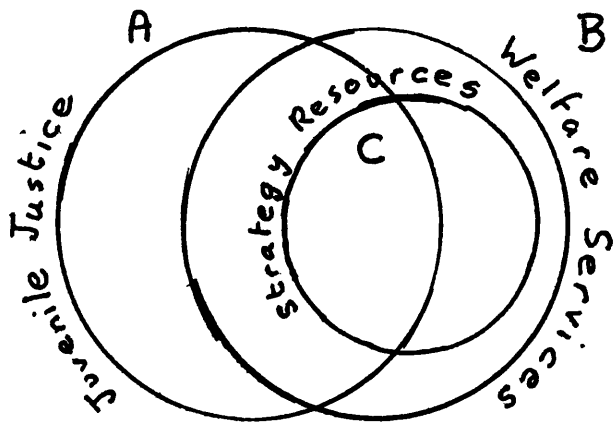
regarding admissions to resources, believe they are performing both social control and welfare functions, within their respective systems.

Within this study, the Juvenile Justice system is defined as those structures which process young people between the ages of 10 and 17, who have been identified by the police as having committed an offence. Which resources provide services for deviant adolescents is more difficult to determine. As well as the statutory agencies, there are a wide range of voluntary organisations as well as informal groups who provide services for young people. They do not confine their work to offenders. The primary responsibility for providing welfare for young people however lies with the Social Services Department, although in South Glamorgan the Probation Department offers a significant service to those subject to Supervision Orders. As was described in Chapter 3, the Social Services Department had strategically reserved a number of specialist resources, for the most deviant young people in the County. For many that deviancy had manifested itself in delinquent activity, although as will be shown, non-delinquent deviancy was a significant feature for many, especially girls. Some of those resources were run by the Department itself, whilst others were run by voluntary agencies in collaboration with the Department. These resources were used both by the Social Services and the Probation Service although Social Services referrals were predominant. The content of their programmes related primarily to the perceived needs of the young people although it is possible within their varying statements of intent, to see both the 'social control' and the 'help' elements of welfare. The study of the resource system is confined to these specifically reserved resources. This admittedly

restrictive definition has been adopted for two reasons. Firstly, the services to young people are so many, and provided by such a multiplicity of agencies, that a line has to be drawn. Secondly this definition includes those resources targetted at the deviant young and excludes those resources which, though utilised by those who are deviant are provided for young people generally. As such they represent the significant financial investment by the local authority in managing deviant adolescents.

Diagrammatically, these definitions of the two systems are represented in Figure 3. Circle A represents the boundary of the Juvenile Justice system, as defined. Circle B encompasses all those young people receiving welfare services from the agencies. Circle C, a sub-circle within B, represents those young people receiving services from the specialised resources as defined in the previous paragraph. This representation will be returned to at a later point. Chapter 5 relates to all those in South Glamorgan represented within Circle A and Chapter 6, to those within Circle C.

Figure 3  
Parameters of Systems and Service Provision. South Glamorgan.



#### 4.4 The Methodology of the Research

The research sets out to measure the performances of the Juvenile Justice System in South Glamorgan together with the

resources which South Glamorgan utilises to manage deviancy in adolescents. The areas covered by the research are therefore wide-ranging. What is being measured is not the effect of a single resource or intervention but the cumulative impact of a number of interventions which operate both consecutively and concurrently. The research does not set out to establish any causative link between the interventions and any observed consequences of community placement. The research does however set out to discover whether or not a broadly based community approach to the provision of services for deviant adolescents "manages the crisis" as well as or better than a broad residential approach. A limiting factor was the period of time available for the research. Because of the unreliability and patchiness of existing information, a monitoring system needed to be set up. The research is largely based on information collected by that monitoring process and uses only a limited amount of retrospective data. Because of these factors, together with the fact that no control group was readily available, a classic outcome study approach was rejected. Instead, a number of benchmarks were established which mark out effective practice. The performances of the Juvenile Justice System together with the resources which Social Services were using to manage deviancy were then assessed against these "indicators of performance". In order to assess the performance of the latter, a group of young people who were referred to the Resources were identified and their progress was monitored and assessed. The performance indicators which were adopted are described in Section 4.6

The data which were collated by the monitoring process relate to measurements of input and outcome together with a limited amount of data on process. It is recognised that in the

case of resource provision, in terms of inputs, the question of who was not admitted to the resources is almost as important as who was admitted, but that question is beyond the scope of this research.

#### 4.5 Monitoring the Systems

One major problem at the outset, in measuring the operation of the Juvenile Justice system, was that what monitoring was going on was either unreliable or incomplete. The Probation Service in Cardiff had set up a computerised database for all cases appearing in the courts for which it was responsible and regularly produced statistical summaries.(8) The data provided valuable information - nature of offending, geographical locations of offenders, the relationship of recommendations to disposals etc, for those for whom the Service provided reports. However the data excluded all other cases and it was not therefore possible to provide a comparison with Social Services cases or those who were involved with neither service. Neither was it possible to evaluate the overall operation of the system. In particular the relationship of the Liaison process and the Court Process was unexaminable. The Social Services kept a manual card-index system on all young people who appeared in the courts throughout the County, for whom it had responsibility. It also retained court lists for a limited period of time and kept a manual register of all those who appeared before the liaison panels. On examination, this system was found to have many errors of omission. Old records had been destroyed and it was impossible to analyse the manual record cards. The following steps were therefore taken within the Social Services Department to establish a more rigorous monitoring system upon which to base research.

- a) A micro-computer system was used to measure all outcomes

in the juvenile courts throughout the County. (from September 1985)

(9) The following data were collected :- Date of court appearance, court, age, sex, district, previous appearances and outcomes, agency involvement and recommendations and court decision. From April 1987, the 'seriousness' of the offence was also noted on a five point scale. (see appendix 2)

b) A separate micro-computer programme was set up (from January 1986) to monitor the decision-making process within the juvenile liaison panels. The following data were collected :- Date of referral, age, sex, district, police division, agency involvement, previous cautions and prosecutions, reasons for prosecution and decision. To define 'district' - that is the area of residence of each young person - the County was divided into thirty-two. Rural areas were blocked together though the remaining areas were coterminous with postal districts and related to the commonly known names of districts within the County. In retrospect, it would have been preferable for the liaison and court outcome monitoring systems to have been combined but limitations of the database coupled with problems relating to inputting the data precluded this.

c) In addition, from April 1987, copies of the court registers were obtained. This assisted with the measuring of offence 'seriousness' and also enabled an analysis to be undertaken of the stated reasons for custodial sentences.

The setting up of this monitoring process was not without its attendant problems. (a) involved the least difficulties, since the Social Services Department has a constant presence in the courts. The Probation Service made its reports available thus enabling Probation recommendations to be monitored alongside those



of Social Services. A problem did develop during the latter part of 1987 when a change occurred in the system for providing courts with antecedent offending history. Frequently the newly formed Crown Prosecution Service failed to supply courts with such information. Fortunately by this time the Social Services Department had accumulated substantial information which provided accurate records of previous history. A few young people with court records, who, in court, were presented as having 'no previous', were equally fortunate! The major problem associated with (b) was the sheer volume of work. A second problem was the accuracy of information presented at Liaison meetings, especially concerning previous cautioning history. A further difficulty was the monitoring of the Crown Courts. The Department had no routine presence in these courts nor access to court registers. Statistical returns were unable to differentiate between petty sessional divisions. Nevertheless an attempt was made to record individual known cases and some informed interpolation occurred. The resulting data was extensive and coupled with other forms of manual recording, provided material for a very large number of potential areas of analysis. The areas of analysis which were undertaken were those which it was considered would provide evidence relating to the specified indicators of performance.

The appraisal of the Strategy resources proved to be a much more complex task than that of the Justice system. Although outcome studies for each of the individual resources would have been useful, they would not have measured their cumulative and interactive impact. Whereas in the early days of the Strategy it was common to see just one project working with a young person over a period of time, during the period of this study a more common

pattern was for a number of resources to be used simultaneously and in succession. What therefore seemed a more profitable method was to follow a similar approach to that which Barry adopted in her 1986 study - to identify a group of young people and to follow their progress through resources. A problem in adopting this approach however was the selection of an appropriate group. No longer did there exist a convenient group of young people who had been discharged from a CHE and whose subsequent progress could be monitored. I therefore decided to define a "Study Group" as those who were referred and admitted to those resources previously described, from September 1986 onwards. Unlike the Barry CHE study however a larger population (one hundred) was selected. The study was conducted prospectively rather than retrospectively and each young person was looked at for a standard period of one year initially. During September 1987 there were 19 referrals to resources and they therefore formed the first 19 of the group to be studied. Their progress was charted between September 1986 and August 1987. Likewise the progress of the 17 referrals in October 1986 was charted until September 1987. The group reached one hundred in July 1987. A few young people were excluded - those who went into a resource for a very short period of time and then disappeared from the system - and those about whom my best efforts could not elicit information from referees. The fact that the group was built up gradually considerably eased the workload, since I was able to collect appraisals of young peoples progress over a period of time as each completed a period of one years monitoring.

Young people were admitted to the Study Group as follows :-

September 1986	19	March 1987	12
October 1986	17	April 1987	7
November 1986	9	May 1987	2
December 1986	8	June 1987	7
January 1987	8	July 1987	1
February 1987	14	TOTAL	104

One important point to be noted is that at the point of entry to the Group, The young people had had a great variety of previous intervention histories. A very few were relatively new on the scene. Many had been known to the Department for many years and a number had had previous experience of the resource they were entering. A schedule was therefore prepared which charted their previous history together with the 'presenting problems' at referral. This notion of presenting problems needs amplification. When the variety of referral forms of the various resources were studied, it became clear that the reasons for referral were largely related to problem behaviour. Referees were explicitly and implicitly requesting intervention in order to modify that behaviour. Since the criteria for admission to the resources were to provide for those who would otherwise be admitted to custody or custodial care, it was to be expected that the need to manage deviant behaviour would predominate in referral statements. As such referees were asking resources to control behaviour as well as tackle what was assumed to be some of the underlying causes of that behaviour. But there was also a realisation that control could only be obtained by consent. Young people rarely participated in resources against their will and in many cases were openly enthusiastic about their involvement.

There was also within the statements of problems at referral the recognition that deviant behaviour was an interactive

phenomenon consisting of two facets - the behaviour plus the reaction to that behaviour. Thus two young people could have similar behaviour patterns. In the one case the family, the school and the wider community could tolerate, cope with and manage that behaviour. In the other case it could not. The latter rather than the former would become a referral. Likewise two young people referred could exhibit quite different levels of behavioural problem except in the one case the home and the community would have the capacity to tolerate and manage much less. Thus in recording problem behaviour at referral, objective levels of behaviour were not being measured but rather the interactive effect of that person's behaviour on his or her immediate family and social group.

Problem behaviours at referral were grouped into four categories :-

- i) Offending.
- ii) School response. (Truancy and misbehaviour at school)
- iii) Behaviour manifesting itself in relationship problems in the home.
- iv) Other (mis)behaviour. (Sexual deviancy, self-abuse, drink, drug-related problems, aggression, being 'easily-led' etc.)

Because a great variety of social workers and probation officers referred young people to the resources, it was important to attempt to standardise perceptions of problem behaviour. Fortunately the admission procedure required that each referral should be vetted by one of four Senior Practitioners (based geographically) within the County. At admission the Senior Practitioners' appraisals of the contribution each category of

problems was making to the referral, was solicited. Whilst their assessment of problems may have lacked total objectivity, the SPs were nevertheless the gatekeepers of the admission process and it was their evaluation of the problems which a young person presented and the likelihood of him or her receiving custody or custodial care, which influenced the decision to admit or not to admit to the resource. An attempt was made to minimise differences between their perceptions of how serious problems were by conducting a preliminary exercise with them. A number of young people not in the Study Group were selected who were well known to all four Practitioners and they were invited to make assessments of the levels of problems in each of the four categories. Their independent evaluations were then compared. (There were some startling differences). Similarities as well as discrepancies were then jointly discussed and an attempt was made to standardise individual interpretations. Each category of problems was assessed as being at one of five levels. These were :-

1. Not a problem category in relation to referral.
2. Features as a problem category at referral but not of major importance
3. A problem category of some persistence and concern which is certainly significant in relation to referral.
4. A problem category of considerable proportions which is of major significance in relation to referral.
5. A problem category of overwhelming seriousness which is a most significant factor at referral.

The twelve months periods which followed the point of entry of each member to the Study Group was termed "the assessment

year". During the assessment year the following was noted :-

1. Court appearances during the year (automatically recorded on the separate juvenile justice monitoring database)
2. Residential and community support interventions. ( A further microcomputer database was established which picked up all movements in and out of the resources for all young people - not just those in the Study Group).

At the end of each young person's assessment year a request was made to each referee for his or her appraisal of the year. This sought information at a number of levels. Since there were changes of fieldworker during the "assessment year", the length of time the current fieldworker had held the case was noted. Current behavioural problems at the end of the year were also noted, together with an assessment of the overall level of behavioural problems and whether or not this had diminished over the year. Linked with this was a similar assessment of the degree of placement stability at the end of the year. This assessment of stability amounted to a measure of the interactive effect of behaviour and the capacity of the young persons social environment to manage that behaviour. Referees were also asked for their assessment of the effect of individual resources utilised during the year. These assessments were supplemented by the resources own appraisals of their impact. A further question elicited fieldworkers' views of the adequacy of resource provision in relation to the young person.

It is recognised that a great deal more could have been done to measure the effectiveness of resources. The role of the fieldwork services which work alongside the specialist resources, as well as the nature of the placement process are both important

areas which are omitted from the research. A further useful measure would have been the views of a selection of the young people and their parents concerning their response and performance, but time precluded such information being collected. Nevertheless it is felt that the particular method chosen to study the operation of the resources, gives a valuable insight into their performance.

The collection of data for the research therefore took place over a period of nearly three years. (1986 -mid 1988). Chapters 5 and 6 include the analysis of that data. Figure 4 summarises the periods within that three years, when data for the specific pieces of the research were was collected. References need to be made to Chapters 5 and 6 for explanation.

Figure 4.  
Periods of data collection. 1986-1988

1986	1987	1988
Jan.....Dec	Jan.....Dec	Jan.....Dec
JJ System.		
[Detailed data on Juvenile Justice System]	[Some update on JJ sys]	
	[ Custody study data]	[Some update cust.data]
	[ SER study data ]	
	[*]	

#### Resources

[ Admissions data ]
[St.Grp.First 12m.period]
[St.Grp. Last 12m.period]

\* Adjournment study

The monitoring of the Study Group therefore includes a measurement of information relating to the disposition of young people at the beginning of the Study together with referees' considered assessments of their concerns for those young people. It includes a measurement of continued court outcomes during the period of study, together with assessments of any changes in behaviour and level of stability. Finally a database was created

which collated all the information available on each young person.

#### 4.6 Indicators of Performance

Section 4.4 indicated that the methodology of the research required a number of "benchmarks" to be set up as indicators of performance. The indicators for the Juvenile Justice System, were set up in the light of the characteristics of juvenile crime which have been highlighted in empirical research.

Firstly it is known that minor delinquency is a normal activity for a majority of young people, or at least a majority of boys. Self-report studies demonstrate that delinquent activity (per se) is not confined to a minority group of young people with particular personal, emotional, intellectual or social characteristics. It pervades all social classes and is not therefore symptomatic of a degenerative strain in certain marked out individuals. Belson, for instance, showed that 70 per cent of all boys questioned admitted to having at some time stolen from a shop.(10)

Secondly it is known that delinquent activity is transitory. The peak age for juvenile crime is 15-17. Thereafter the incidence of crime within successive age groups drops. About half of all juveniles cautioned never re-appear and likewise half of those who appear in court for the first time, never reappear. (11).

Thirdly we know that delinquents who appear in court most often have experience of deprivation. The greater number live in families on social security and are entitled to legal aid.



Delinquency is associated with low income, poor housing etc. (12)

Fourthly we know that delinquency is both a male and a gregarious activity. For every girl who appears in the juvenile court, eight boys appear. Delinquent acts are committed in the company of others and solitary offending is a rarish occurrence. (13)

Fifthly we know that persistent delinquents or recidivists are not common and appear to have some special features. This small number are responsible for a great proportion of juvenile crime. (14)

Despite the public concern over juvenile crime, we also know that overall rates are not rising. The number of known juvenile offenders was 10 per cent lower in 1983 than in 1974. (15). There was a further drop in 1986. We also know that custody is a poor deterrent. In 1980, 81 per cent of all juveniles discharged from Borstal reoffended within a period of two years, as did 71 percent of those released from Detention Centres.

These are the important characteristics of juvenile offending which should be taken into account in any strategy designed to respond to that delinquency, although no attempt is made here to survey the very many theories which have sought to explain delinquency.

In responding to these known features, Ray Jones has outlined a number of features which he considers should characterise any response. (16) He firstly suggests that delinquent behaviour should not be ignored. There is a general expectation within society, and certainly by young people whose delinquent acts are discovered, that there be a reaction to delinquent activity. 70% of all offences committed by juveniles are for burglary or

theft. Many such offences have profound effects upon their victims. Often it is the community in which the young person lives - his neighbours and friends who are the victims of his actions. Such activity cannot be 'decriminalised'. There is certainly an argument as to how to react but there is no question that we should not react. A second assertion made by Jones is that we should not over-react to delinquent activity. Over-reaction exaggerates the significance of minor offending, fuels the 'moral panic' which pervades the public reaction to juvenile offending, propels young people further into the criminal justice system and reinforces the tendency for the system to amplify rather than reduce subsequent offending. Linked with the desirability not to over-react is the need not to do anything which promotes further delinquency. One of the many criticisms of the approved schools was that they grouped delinquents together reinforcing their delinquent activity. By labelling the young person as delinquent they promoted his own delinquent identity. Likewise we know that penal custody promotes rather than prevents future criminal activity.

Based on these known characteristics of delinquency and the effects of the Justice System on that delinquency, what then are the 'hallmarks' of an effective and just juvenile justice system? The following are proposed :-

Concerning inputs.

1. Of those juveniles identified as having committed an offence, a high proportion should be dealt with other than being prosecuted in a juvenile court. In particular, minor offending should not be dealt with by way of prosecution and first offenders, if not dealt with informally, should be cautioned rather than prosecuted, except in exceptional circumstances. Such practice is

endorsed within official government guidelines (17) and should not be contentious. Pre-court diversion from the Juvenile Justice system is thus an important attribute of an effective system. Concerning outcomes

2. Sentencing of young people in the courts should be characterised by minimum coercive intervention, commensurate with the seriousness of the offence. Over intrusive action should be avoided and not disguised as 'welfare in the child's best interests'. Any welfare intervention offered should be separate from the court sentence, and as far as possible be entered into freely without coercion. There will clearly be occasions when action will need to be taken 'in the child's best interests' and without his full agreement, but this should not occur within the framework of the criminal law. There should be a minimum level of custodial sentencing. In line with the provisions of the 1982 and 1988 Criminal Justice Acts, custody should only be imposed for the most serious offences where offenders have shown themselves to be persistently unwilling to respond to alternatives. Specific alternatives to custody should replace custodial sentencing rather than act as an additional option within the sentencing tariff.

Concerning process .

3. There are a very large number of aspects of process which can be addressed. In this study, just two of these are looked at - the influence of Social Enquiry Reports and the time taken by the court procedure.

SERs are themselves an intrusive aspect of process. They should only be written when circumstances merit and rarely on a young person's first appearance in court. The recommendations of Social Enquiry Reports should pursue low tariff disposals, taking

into account the relative seriousness of the offence. Custody may be the only way the court can express a desire to mark out some serious juvenile crime as requiring exemplary action but its known undesirable effects make it an option which should never be offered by the writers of Reports. The function of the report writer is distinct from that of the sentencer. Whereas the sentencer has to take into account the seriousness of the offence, and the protection of the public, the primary task of the report writer is to place the offending in context, to promote an understanding of the possible personal, intellectual and social problems which the offender may be facing and to suggest how the offender might become involved in a constructive response to his misbehaviour.

The ethos of the court should be one of informal efficiency. Individuals should be dealt with, with dignity and respect. Its attendant bureaucracy should be targeted to one end - just, well thought out outcomes for those brought before it. The time which elapses between commission of the offence and outcome should be kept to a minimum.

Having established a number of indicators relating to the performance of the Juvenile Justice System, a further series of benchmarks need to be set up to measure the performance of the Strategy resources. There is a link between the two as the way the Juvenile Justice system operates will, to a degree determine the parameters of operation of those resources.

Chapter 2 explored at some length the two aspects of welfare - 'help' and 'control'. It emphasised the importance of voluntarism but asserted that there were times when that principle had to make way for action by a social worker 'in the best

interests of the child'. Chapter 6 will demonstrate that most often when workers were seeking control for their clients they were asserting that such control was synonymous with help 'in the client's best interests'. For apart from damage to others, much of the young persons behaviour was such that it was actually and potentially self-destructive. The characteristics of an effective resource system for adolescents displaying deviant behaviour are therefore defined as follows :-

Concerning inputs.

1. 'Strategy' resources which are specifically targetted at those who face custody or custodial care, should be used for those categories alone. At the point of admission, delinquency or other deviancy should be of such concern that custody or custodial care would otherwise be called for.

Concerning process.

2. Effective control and effective help are dependent upon a maximum emphasis on voluntarism and upon programmes which so engage young people that coercion, if it were possible, becomes unnecessary.

3. Most young people want to remain in the community. Whilst residential care is accepted in the short term, especially as a sudden reaction to family upset, it is rarely accepted in the long-term. Effective intervention should therefore be characterised by a minimum use of residence. Such residence should be short-term, purposive and task-centred. Whenever possible, links with family should be fostered and the individual be enabled to retain his or her identity in the community.

Concerning outcomes

4. Decarceration, whilst a hallmark of effective practice,

is not sufficient in itself. Community life, especially without parental support, can be a harsh, punishing experience for young people. Care in the community should be supported by services which assist and promote the maintenance of young people in the community. Placement within the community, be it within the family, a family replacement or 'independent living' should be characterised by stability. Workers who refer young people to specialised resources should be able to feel that such resources have offered effective control and that as a result of intervention, the behavioural and other problems manifesting themselves at referral have been reduced.

These then are the measures which are, for the purposes of this study, established as indicators of effective action within the Juvenile Justice System and Strategy resources in South Glamorgan. The following chapters describe the findings of the research.

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12. See S.Asquith. "Justice, Retribution and Children" in Providing Criminal Justice for Children. Edward Arnold. 1983. p.17.
13. M.Rutter and H.Giller. op.cit. p.120.
14. op.cit. p79
15. See Home Office. Criminal Statistics for England and Wales 1987. p.102.
16. R.Jones. "Justice, Social Work and Supervision" in Providing Criminal Justice for Children. Edward Arnold. 1983.
17. Home Office circular 14/85.

## CHAPTER 5

### JUVENILE JUSTICE IN SOUTH GLAMORGAN

#### 5.1 Juvenile Justice and the South Glamorgan Strategy

Whilst the South Glamorgan Strategy was more about decarceration and less about influencing the Justice system, the way juvenile justice operated within the County has important implications for the way resources for adolescents provided by Social Services are able to function. Young people are much less likely to be managed successfully and grow out of temporary crisis if they are not drawn into unhelpful justice processes.

A consideration of the findings included in this chapter, as they relate to the indicators, is made in Chapter 7.

This chapter reports on the performance of the Juvenile Justice system in South Glamorgan in 1986 and 1987, in line with the indicators set out in the previous chapter. It looks at the extent to which young people are being diverted from the system and within the system. It also looks at the outcomes of both Liaison and Prosecution as well as aspects of both processes.



### 5.2.1 The Framework of Liaison

The police, and more recently, Crown Prosecution Service are the final arbiters as to whether or not to prosecute an identified offender. Part of the underlying philosophy of the 1969 Children and Young Persons Act was to divert young people from the Criminal Justice System as far as possible. Consultation between agencies was urged in order to prevent offenders from entering the system. Thus from the mid 1970s onwards, the practice of "cautioning" young offenders rather than prosecuting them increased. By 1984, 45% of boys between 14 and 17 who committed indictable offences in England and Wales received a formal caution. By 1986, this figure had risen to 60% (1)

Like other aspects of the 1969 Act however, there were some unexpected consequences. Increased cautioning did not immediately result in a decrease in the number of young people being prosecuted. In 1976, Ditchfield demonstrated that those areas where police forces increased their cautioning rates the greatest, were also the areas where the total population of known juvenile offenders increased by the greatest amount. He concluded that this was occurring as a result of changing police practice and young people who had previously been given an informal warning or for whom no further action was taken, were now being formally cautioned. (2) The issue of "net-widening" has been one which those involved in the justice system have since been alerted to, though there is more recent evidence that there is currently a decline in both the numbers in the system as well as those appearing in court and the decline is faster than the the decline in the overall juvenile population. (3)

The practice of diversion from prosecution took a further leap forward in 1985, with the issue of Home Office circular 14/85. This gave official endorsement to the practice of cautioning larger numbers of juveniles and resorting to prosecution as a final resort:-

"It is recognised both in theory and in practice that delay in the entry of a young person into the formal criminal justice system may help to prevent his entry into that system altogether. The Secretary of State commends to chief officers the policy that the prosecution of a juvenile is not a step to be taken without the fullest consideration of whether the public interest ( and the interests of the juvenile concerned ) may be better served by a course of action which falls short of prosecution. Thus chief officers will wish to ensure that their arrangements for dealing with juveniles are such that prosecution does not occur unless it is absolutely necessary."

The circular further urged chief officers to ensure that:-

"Liaison arrangements with Social Services Departments, the Probation Services and where appropriate the Education Welfare Service, are such as to encourage the participation of those agencies in decision making. This may be particularly appropriate where there is doubt in the mind of the police as to whether a caution is the right course in an individual case." (4)

Despite the clear guidance from the Home Office, cautioning rates vary widely between police forces. In 1986 there was a range of 36% with a high of 84% in Northamptonshire and a low of 48% in Humberside, a range which is indicative of the discretion which the Executive ultimately exercises in relation to juvenile offending.

Liaison arrangements amongst the four Welsh police forces vary one from another. A 1986 Welsh Office survey revealed that in two authorities, Probation, Social Services and Education were all part of the process whereas in the other two, Education did not participate. In two Force areas, liaison took place at a regular meeting whereas in the other two, written communication sufficed. In one force area, consultation took place in all cases of formal

intervention. In two others it took place in all cases except 'immediate' cautions and in one area only in cases where there was a doubt. The survey also revealed that the police authority which only consulted where there was an element of doubt, did not have formal meetings with the agencies and did not consult the Education Departments, had the highest cautioning rate. (5) The question therefore arises as to the purpose of consultation, in cases where the police believe a caution is clearly appropriate.

Decisions by the police to caution or prosecute or to refer to a consultation process are all decisions to deal with an offender formally. The police also have the option to take no further action or to offer an informal verbal warning - such a warning to be recorded, but not cited in any future proceedings. The Welsh Office survey revealed that none of the police forces in Wales had schemes offering informal warnings. Indeed, it is known that subsequent to the issuing of Circular 14/85, the police in South Wales considered a formal procedure for recording action less than issuing a formal caution, but that it was decided not to proceed. It is therefore difficult to assess to what extent the police were dealing with juveniles against whom they decide not to proceed. Questioning of Juvenile Liaison officers in the South Glamorgan divisions revealed that the policeman on the beat was able to take informal action but there was no systematic attempt to monitor this, and it is therefore difficult to assess the extent of informal action.

At the time of the research, referral to the liaison panels in South Glamorgan was in practice a referral for caution or prosecution with a default decision of prosecution unless a caution could be justified.

## 5.2.2 Inputs to Liaison.

A study of that recording which did exist in South Glamorgan, revealed that during the previous five years a constant number of about 2500 referrals per year had been made to the Liaison panels. In 1986 the panels received 2506 referrals and in 1987, 2540. Taking into account the population figures in the 10-16 age category, this represents an increase in the number of reported juvenile offences per head of relevant population between 1986 and 1987. (See Table 3 ) This constancy in the number of referrals must be seen against a continuing fall in population aged 10-16 within South Glamorgan. Population projections indicate that the fall will continue until 1991, but that by the year 2000, it will once again have risen to a point where the number of 10-16 year olds will be 15% above that in 1987.(6) The increase in referrals, set against a falling population, contrasts with a trend in at least one other locally monitored system. In Newport the number of referrals to Liaison is reported to have fallen by 10% in 1987 (7).

Table 3  
Referrals to South Glamorgan Juvenile Liaison Panels.1986 and 1987

	Referrals	Population (10-16)	Rate per 100,000
1986	2,506 Boys	19,800	10,700
	Girls	18,900	1,900
1987	2,540 Boys	19,300	11,100
	Girls	18,400	2,000

Whether or not there was a real increase in crime committed by juveniles in South Glamorgan in 1987 cannot however be deduced from these figures, since the apparent increase could also be explained by an increase in the percentage of detected crime as numbers of juveniles fall, but policing levels remain, and/or a greater readiness by the police to report crime to the panels

rather than deal with it informally.

What is however clear is that levels of processed Juvenile crime are high compared with other areas of England and Wales. It is known that in the area covered by the South Wales Police Force (South, Mid-, and West Glamorgan) and Gwent, for the whole population, levels of detected crime are in the top 25%. (8)

Further figures collected by the Home Office demonstrate that both the juvenile crime rate and the juvenile 'disposal rate' are high in South Glamorgan. Table 4 shows the number of notifiable offences per thousand 14-16 year old males as well as the number of formal disposals per thousand (cautions + sentences) for each county in Wales in 1987. Because we have no way of telling how many of the offences notified were committed by juveniles, the first statistic is only a general indicator of the juvenile crime rate. South Glamorgan has the both the highest crime rate and the highest juvenile disposal rate of any part of Wales.

Table 4.  
Levels of Offending and Disposal Rates. 14-16 yr. old males. Welsh Counties. 1987.

County	No. of offences per 1000 14-16 yr.old males.	Disposals per 1000 14-16 yr.old males
Clwyd/Gwynnedd	2494	65.5
Dyfed/Powys	1811	45.8
Gwent	2656	84.6
Mid Glamorgan	2714	78.8
South Glamorgan	4934	98.5
West Glamorgan	3462	77.3
WALES	2997	74.0

[ Source : Home Office. Criminal statistics in England and Wales. 1987. Supplementary tables. Volume 5.]

Of the referrals that came before the Liaison panels, only about 60% were in fact considered by the panels. The remaining 40% were in one of three categories, for each of which a decision as to prosecution or caution had been previously arrived at. These were as follows:-

## (i) Not Guilty Pleas.

For a caution to be administered, it is an essential pre-requisite, emphasised in Home Office Circular 14/85, that a person must first freely admit to the offence. Thus all 'denials' were apparently prosecuted. The word 'apparent' is important, as the police have available an alternative course of action - to take no further course of action. It is not known how many cases, initially denied, were 'no further actioned' and did not come to the panels or were NFA subsequently. What is known is that in 1987, 55% of all denied cases in the South Glamorgan Juvenile Courts were either not proven or withdrawn, subsequent to an initial plea in court. Close subsequent examination of the F11 forms of denied offences revealed a number where information was scant or where there appeared to be little evidence and it is not therefore surprising that many were later not proven. This feature was the more puzzling, when one considers that at the beginning of 1987, the Crown Prosecution Service was inaugurated with one declared aim of not proceeding with cases where conviction was unlikely.

During 1987, there was a 34% increase in the number of cases before the panels which were denied. (See Table 5). It is possible that this was linked, in no small part, with the onset of the provisions of the Police and Criminal Evidence Act with more thorough advice given to juveniles by solicitors at the interview stage.

## (ii) Arrest and Charge.

The South Wales Constabulary operates a policy in South Glamorgan that any juvenile with two or more previous convictions, will be immediately charged and brought before the court as soon as possible. Liaison panels are notified of such decisions to



prosecute, but are not consulted prior to the decision being taken. In 1987, this category of prosecutions represented 17% of all referrals, a 7% increase between 1986 and 1987. (See Table 5). However this overall increase masked a substantial increase of 68% in Cardiff C Division and a 38% decrease in the Vale (D Division). It was not possible to find any rational reason for these sudden changes over one year.

The Arrest and Charge procedure is justified by the Police on the grounds that it brings a young person, who will inevitably be prosecuted in any event, more speedily to court, than if he or she were processed through the liaison procedure. If this were the only consequence, there would be no cause for concern. However there were other concerning aspects of the procedure. The first of these was evidence that the criteria were variously interpreted. On occasion, juveniles were arrested and charged, with no previous convictions. This usually occurred when the offence was considered serious or the arrest was jointly with other known previous offenders. There were 17 instances of this in 1986. On the other hand there were many instances of juveniles in like circumstances who were not arrested and charged. Others were arrested and charged with only one previous conviction but with other (referrals) 'in the pipeline'. A third area of concern was the many who fitted the 'A and C' criteria but who subsequently committed very minor offences. Such were automatically prosecuted, and a question mark must remain as to the purpose of such prosecutions.

(iii) The Instant Caution.

The South Wales Constabulary operate a scheme, as do the other three Welsh Police Forces, of administering an immediate caution, very soon after an offence has been committed, without

going through the Liaison procedure. This scheme is confined to those who commit minor offences and who usually have no previous offending history. (Although in 1986, 58 of the 319 receiving an instant caution had been cautioned at least once before.) 9% of all boy referrals in 1986 received an 'Instant' caution as against 32% of girl referrals, reflecting the high percentage of minor shoplifting amongst girls. Once again there was a problem of consistent interpretation since there were cases of those who appeared to merit an instant caution, yet who were brought before panels for consideration. The key question however is whether the presence of such a scheme, draws more young people into the formal justice system, who would otherwise have been dealt with informally - the familiar net-widening effect. Without further research, there is no way of determining this, although an indication that it might be so is the relatively high proportion of all juveniles in South Glamorgan who are formally processed by the Justice system. Instant cautions accounted for 11% of all notifications to panels in 1987, though this represented a 13% decrease on the previous year. (See Table 5)

Table 5. Categories of referrals to South Glamorgan Liaison Panels 1986 and 1987.

	C Division		D Division	
	1986	1987	1986	1987
Denies offence	98 (14%)	104 (15%)	108 (9%)	140 (11%)
Arrest & Charge	123 (18%)	136 (20%)	106 (9%)	178 (14%)
Instant Caution	92 (14%)	70 (10%)	150 (13%)	142 (12%)
For Recommendation	378 (54%)	364 (54%)	775 (69%)	771 (63%)
	E Division		TOTALS	
	1986	1987	1986	1987
Denies offence	26 (4%)	67 (11%)	232 (9%)	311 (12%)
Arrest & Charge	167 (24%)	109 (17%)	396 (16%)	423 (17%)
Instant Caution	77 (11%)	67 (11%)	319 (13%)	279 (11%)
For Recommendation	406 (61%)	392 (62%)	1559 (62%)	1527 (60%)
	Totals		2506	2540

Excluding these three categories, who were notified to, but



not considered by, the three Liaison panels, there were therefore in 1986, 1559, and in 1987, 1527 referrals for consideration. The referral panels rarely considered 'no further action' as a recommendation.

At this point it is worth looking at a number of other features of the demography of juvenile crime in South Glamorgan. Regretably, because of technical difficulties which developed with the database, this data is only available for 1986.

### 1. Age

Table 6 demonstrates the ages of referrals to the liaison panels in 1986. Those under the age of 13 constituted just 13% of all referrals.

Table 6.

Age of referrals to Juvenile Liaison Panels. South Glamorgan. 1986.

Age 10	43	2%
11	89	4%
12	189	8%
13	316	13%
14	500	20%
15	655	26%
16	699	28%
17	15	1%
Total	2506	

### 2. Sex.

Of the 2506 referrals, 2130 (85%) were for boys and 376 (15%) for girls.

### 3. Home localities.

Table 7 shows the home localities of all referrals in 1986, ( though not necessarily the locality of the offence ). For the purpose of this recording, the County was divided into 32 districts. These districts do not have equal populations, and cannot therefore be directly compared. However, the total populations of each Cardiff District were known at the 1981 Census. A crude assessment of the level of delinquency in each District was

therefore determined by dividing the 1981 population figure ( note total population - juvenile population was not known ), by the number of referrals and assigning each ratio to one of the following three categories : L=Low level. M=Medium level. H=High level.

Table 7.

Home Localities of those referred to Liaison Panels. South Glamorgan 1986.

Lisvane	3	0% L	Splott	167	7% H
St.Mellons	60	2% H	Adamsdown	26	1% M
Rumney	44	2% M	Cathays	57	2% M
Llanrumney	100	4% H	Docks	62	2% H
Pentwyn	107	4% M	Grangetown	101	4% H
Llanedeyrn	133	5% H	Caerau & Ely	321	13% H
Cyncoed	14	1% L	Canton	95	4% M
Llanishen	49	2% M	Riverside	48	2% M
Rhiwbina	23	1% L	Vale West	30	3% )
Heath	17	1% L	Penarth	130	5% )
Gabalfa	60	2% H	Cadoxton	76	3% )
Llandaff	30	1% L	Gibbonsdown	47	2% ) M*
Fairwater	118	5% H	Barry Town	190	8% )
Whitchurch	48	2% L	Colcot	88	4% )
Radyr	14	1% L	Barry Island	21	1% )
Roath	165	7% H	Barry Rural	16	1% )

Key : L= Low level. (Less than 1 in 300)

M= Medium level. (Between 1 in 150 and 1 in 300)

H= High level. (More than 1 in 150)

M\* = Medium Level average as individual district population figures not available.

Table 7 confirms what practitioners within the County have long known. There is clearly a concentration of offenders in Ely - an ageing council estate on the west of the city, together with the Fairwater estate. There is a further concentration in Roath and Gabalfa - an area of half-way housing - bedsits and bed and breakfast accommodation. There is a sizeable group of offenders in Splott and the Docks - traditional inner-city areas. And there is a burgeoning problem in the newer but established estates on the east of the city - Llanrumney, Llanedeyrn and St.Mellons.

#### 4. Nature of offending

Table 8 demonstrates the nature of primary offences

reported to F11 panels in 1986. For the purposes of the categories, 'traffic' offences include only those not associated with vehicle theft. 'Theft' includes shoplifting, and 'burglary' includes both domestic and commercial burglary. It is important to note from these figures that South Glamorgan had no unusual features in its pattern of juvenile offending.

Table 8.

Nature of Offending of referrals made to Liaison Panels. South Glamorgan. 1986.

Drunk, disorderly, breach of peace, etc.	282	11%
Traffic	208	8%
Theft	1153	46%
Criminal Damage	179	7%
Burglary	297	12%
Vehicle theft	251	10%
Robbery	22	1%
Arson	22	1%
Assault	92	4%
TOTAL	2506	

### 5.2.3 Outcomes of Liaison

The panels then, only considered for recommendation, about 60% of cases reported to them. Table 9 shows the recommendations of the respective panels, for that 60% in 1986 and 1987.

Table 9.

Recommendations of the South Glamorgan Liaison Panels. 1986 and 1987

	C Division		D Division	
	1986	1987	1986	1987
Prosecute	250 (66%)	142 (39%)	456 (59%)	315 (41%)
Caution	128 (34%)	222 (61%)	319 (41%)	456 (59%)
Totals	378	364	775	771
	E Division		TOTALS	
	1986	1987	1986	1987
Prosecute	128 (32%)	90 (23%)	834 (53%)	547 (36%)
Caution	278 (68%)	302 (77%)	725 (47%)	980 (64%)
Totals	406	392	1559	1527

It can be seen from Table 9, that there were large differences between panels, in the percentage of referrals recommended for caution - between 34%, 41% and 68% of referrals in 1986 and between 59%, 61% and 77% of referrals in 1987. These

differences are interesting. The panels operated under the same standing orders. The same Social Services and Education representatives sat on all three panels. The same Probation representative sat on panels C and D, with a different person on E. But each panel had a different Police Juvenile Liaison Officer. Although the natures of the groups of communities which each panel served were different ( inner city, suburbs and town/rural ) there was no evidence that the nature or patterns of offending were significantly different. However there were three factors which may help to explain the significantly higher rate in E Division. The first relates to the previous histories of those referred to panels. Table 10 demonstrates a higher percentage of referrals with no previous history, in E Division (50%) than in C Division (41%) or D Division (40%), in 1986.

Table 10

Previous Disposals of all cases reported to Liason Panels. South Glamorgan. 1986

	C Division	D Division	E Division
Not known	282 (41%)	459 (40%)	341 (50%)
1 prev.caution	77 (11%)	170 (15%)	81 (12%)
>1 prev.caution	11 (2%)	47 (4%)	10 (1%)
Prev.prosecution	321 (46%)	463 (41%)	244 (37%)
TOTALS	691	1139	676

Why should there be so many more juveniles in one Division, with no previous offending history ? Could it be that the police in the town of Barry and the rural Vale were able to detect a greater percentage of juvenile crime, than in Cardiff, thus drawing in more first time offenders ? Or could it be a greater reluctance to deal with young people informally? Unfortunately time and resources precluded a more detailed study. Clearly a higher percentage of juveniles with no previous record of offending, will lead to a higher cautioning rate.

A second factor in 1986, (though not in 1987 ) was the higher Arrest and Charge rate in E Division. ( See Table 5 ) A greater percentage of juveniles arrested and charged artificially raises the percentage of panel recommendations for a caution.

What was possibly the most significant factor however was the outlook of the Police Juvenile Liaison Officer in E Division. This Sergeant had a longstanding reputation for working with juveniles and had established over the years, links with youth organisations and community-based crime prevention schemes. There was no doubt within the panel that his influence was significant.

Table 11 therefore establishes the cautioning rates in 1986 and 1987, for those cases referred for recommendation. and also summarises the corrected rates, once 'arrest and charge' and 'instant caution' categories are included. (though denials remain excluded). The actual cautioning rates, as recorded in published Criminal statistics lie somewhere between the two, since the figures recorded here only show panel recommendations. A very few recommendations were not followed and about half of the denials were subsequently found guilty. (See later data) These would then be added in.

Table 11

Juvenile Cautioning Rates in South Glamorgan . 1986 and 1987.

C Division		D Division		E Division		Total County	
1986	1987	1986	1987	1986	1987	1986	1987
(i) Of Panel recommendations							
34%	61%	41%	59%	68%	77%	47%	64%
(ii) Of all notifications excluding denials.							
37%	51%	45%	55%	55%	65%	46%	56%

There was a substantial increase in the cautioning rate within each Division in South Glamorgan, between 1986 and 1987. Contrary to this trend, the arrest and charge rate went up and the instant caution rate went down. The statistics therefore

demonstrate that the increase was due entirely to the activities of the panels.

Table 11 therefore shows two rates for the County for each year, that of the panel recommendations, and the corrected rate with Instant Cautions and Arrests and Charged, added in.

As well as demonstrating differences between panels, and an overall increase in the cautioning rate between 1986 and 1987, there were also differences in the rate, relating to sex and age. 44% of all boys were cautioned in 1986 as against 67% of girls, once again reflecting the nature of female crime. There was an obvious tendency to caution more younger juveniles. 60% of the under 14s were cautioned as opposed to 44% of those aged 14 or over.

How does this compare with the national scene and with the County's near neighbours ? In 1986, the national rate was 62%. The highest rate, that of Northampton, (with its well established Juvenile Liaison Bureau ) was 85% The overall rate within the South Wales Constabulary, in 1986, was 53% - the third lowest of the 42 Police Forces in England and Wales. Gwent had a rate of 57%. Thus the rate in South Glamorgan must have been one of the lowest local rates in England and Wales.

This then was the situation in 1986. What is noteworthy however is the substantial rise in the cautioning rate from 46% to 56% in 1987. This was not only a percentage increase but also an increase in absolute numbers, from 1043 to 1259. Here it is relevant to ask whether the activities of myself as researcher, and as a manager had an effect.

Prior to 1986, an all Wales working party had met to consider the operation of 'pre-court diversion'. Whilst it promoted

a desire to reduce the percentage of known juvenile offenders in Wales coming before the courts, it was short on evidence, long on anecdote, and appeared not to be associated with a mechanism for any changes to be made. (9) Throughout South Wales quarterly returns of the Liaison panels were published by the police, but gave little detail. In 1986 detailed prospective data collection was initiated, both for the purposes of this research, and to inform practice within South Glamorgan. By late 1986, sufficient data had been collected to persuade the Director of Social Services in South Glamorgan, to write to the Chief Constable, expressing concern at the low level of cautioning in South Glamorgan, and requesting a joint examination of the position. In November 1986, the Chief Constable, replied welcoming the initiative. In late 1986 the Juvenile Affairs Committee ( a police liaison body with Chief Officers of the agencies ) requested a working party be set up in South Glamorgan to report back by May 1987. Its terms of reference were :-

"To investigate the operation of the Juvenile Liaison Process in South Glamorgan and to enquire whether it is feasible to further increase the level of juvenile cautioning, in line with Home Office Circular 14/85"

Sitting on the working party were a Chief Inspector and Superintendent, the Chief Education Welfare Officer, two Senior Probation Officers, the Social Services Controller for Adolescent Services and myself as Principal Social Services Officer. The working party met on five occasions and considered the data for 1986. Its findings and recommendations are found in Appendix 3.

In May 1987, the Working Party report was presented and was considered together with submissions of like sentiment from the Mid Glamorgan Probation Service and a multi-agency working party in

West Glamorgan. The Chief Constable accepted the substance of the respective submissions and the Intermediate Treatment Officer in Mid Glamorgan and I were commissioned to compile a Procedure and Guidelines for Liaison Panels, to be implemented on January 1st 1988. That document is included as Appendix 4. The effect of those guidelines on cautioning practice is referred to at the end of the chapter.

However it became clear in early 1987, as the monitoring continued, and prior to the guidelines being issued, that the practice of the Liaison panels was changing. The members of panels were aware of the data produced in 1986 and that a working party was sitting. The Juvenile Liaison Officers knew their Chief Constable had given a green light to levels of cautioning increasing. It is most likely that this knowledge provided the spur for a changing approach, and that as a result, more young people were recommended for caution.

A detailed sub-set of data, collected for 1986, related to those juveniles, for whom panels recommended a prosecution, a total of 834. (See Table 9 ). In particular their previous pattern of offending was examined. ( See Table 12)

Table 12

Previous History of those whom Liaison Panels recommended for Prosecution. South Glamorgan. 1986.

	C Division	D Division	E Division	Totals
Not Known	56 (22%)	82 (18%)	18 (14%)	156 (19%)
1 prev.caution	40 (16%)	62 (14%)	26 (20%)	128 (15%)
>1 prev.caution	6 (2%)	22 (5%)	7 (5%)	35 (4%)
Prev.prosecution	148 (59%)	290 (64%)	77 (60%)	515 (62%)
Totals	250	456	128	834

19% (156) of those recommended for prosecution had no previous offending history and a further 19% (163) had one or more previous cautions. A total therefore of 38% (319) had never been



previously prosecuted. Looked at in a slightly different way, of all those reported to panels with no previous recorded history of offending, 22% were prosecuted. This compared with a reported figure for West Glamorgan of 4%.(10).

In view of the fact that the nature of offending in South Glamorgan appeared little different to the national pattern, it is pertinent to seek an explanation for such a high figure for prosecutions of those with no previous offending history. The 156 cases were therefore examined in some detail. This examination revealed that though there was evidence of some serious first-time offending, ( arson, series of domestic burglaries, series of vehicle thefts and criminal damage ), there was no evidence to suggest that the offending of a substantial number in this group was more serious than others with no previous history, who were subsequently cautioned. At the bottom end of the 'seriousness' scale, this included shoplifting to a value of £8, minor damage to a wall and the theft of a pedal cycle. It can be seen from Table 12, that cases in this category were not spread proportionately across the divisions, and that E Division accounted for only 18 cases.

As a further check, an examination was carried out into what happened to those with no previous history of prosecution, when prosecuted. Because of its time-consuming nature, a check could not be carried out on each of the particular 319 cases, but it was possible to look at the outcomes of the 310 cases which appeared before the South Glamorgan Juvenile courts in 1986, with no previous history of prosecution. ( This group approximated to the 319 ). Outcomes are shown in Table 13.

Table 13

Outcomes in the South Glamorgan Juvenile Courts in those cases with no previous prosecution history. 1986.

Outcome		
Discharge	194	(62%)
Bound Over	22	(8%)
Fine	54	(18%)
Attendance Centre	24	(8%)
Supervision	15	(4%)
Custody	1	(0%)
Total	310	

As can be, seen an overwhelming number received a conditional discharge. Only 15 were given any sort of formal supervision and only one received custody -evidence that the courts themselves did not view their offending as seriously as the panels apparently did. The 22 who were bound over, were predominantly for not very serious public order offences.

#### 5.2.4 The Process of Liaison.

The preceding section has therefore demonstrated the outcome patterns of Liaison. This section comments on the process itself.

One aspect of Liaison is that it causes delay and consequently lengthens the period of time between apprehension and disposal. Part of the rationale for the 'instant caution' and 'arrest and charge' procedures, is to preclude cases where the outcome is certain, from being delayed by needless consultation. However it was noted within the Liaison panels that very many cases were non-contentious, and went through 'on the nod'. They came into neither of the present categories for non-consultation, yet there appeared to be no purpose for the referral for recommendation. As a consequence, the case was delayed by a minimum of an additional four weeks, both Probation and Social Services went through their search procedures to discover whether the juvenile was known to

them or not (usually he was not), and if known, consultation with the relevant officer took place. In addition all such cases were reported to the relevant schools of the juveniles concerned, and comment was solicited, - a process which kept a large number of people informed, but to little purpose.

A further concern, relating to delay, was what happened subsequent to the Liaison Process. Recommendations of the panel were made to a Chief Superintendent, and were then passed to the Crown Prosecution Service. Notifications were returned to the panels, but in haphazard form. It was rare for the Police not to accept a panel recommendation, but it was virtually impossible to check whether notifications were returned for all recommendations. Members of the Liaison panels reported on sufficient numbers of anomalies however to raise a question as to what exactly was happening. All reported juveniles were bailed to return to police stations, to discover the outcome of liaison, four weeks hence. But numbers recommended for prosecution, did not appear in court and individual investigations, to satisfy curiosity, bore little fruit! It was difficult to understand, why if a case had been so serious as to merit a recommendation for prosecution by the panels, it had subsequently mysteriously disappeared.

A further area of concern related to the 'not guilty' category, which in 1987 formed 12% of all notifications to panels. It is of course fundamental that no juvenile be offered a caution, if he or she does not freely admit the offence. One consequence is that those who deny what is alleged, escape the scrutiny of the panels. Yet it was known that a high percentage (55% in 1987) of cases denied were either withdrawn at a very late stage, or were not proven. It seemed pointless putting juveniles and their

families through the long process which denied allegations involved, and expending much time on the part of police, CPS, and solicitors, only to find such cases withering.

In addition, it was noted that many denials at the liaison stage, were not denied when pleas were taken in court. It was observed that one possible reason for this was the advice given to juveniles by solicitors at the interview stage. It was also observed that a number who changed their pleas, might well have received a caution, if the allegation had not been initially denied. The procedure however, precluded a return for liaison, once pleas had been entered.

Conclusions concerning the inputs to and outcomes of the process of Juvenile Liaison in South Glamorgan are summarised at the end of the Chapter.

### 5.3.1 The Framework of Prosecution.

Those for whom the Liaison process in South Glamorgan determines they be prosecuted, appear either before the Cardiff Juvenile or the Vale Juvenile Courts, - saving a few juveniles charged jointly with adults, and not subsequently referred to the juvenile courts, who are either fined or discharged in the adult court or are committed to Crown Court. Some features of those prosecuted in the juvenile courts in 1986 and 1987 were as follows-

### 5.3.2 Inputs to Prosecution in the Juvenile Court

#### (i) Numbers.

Who is referred to the Juvenile Court for prosecution is directly related to the outcomes of the Liaison process previously described. What is not shown here is the result of any further

scrutiny by the Crown Prosecution Service prior to a final decision to prosecute, although observation suggested that very little of that scrutiny was taking place. In 1986, 573 juveniles appeared before the two courts, some more than once, and received a total of 758 disposals. In 1987, the number of juveniles who appeared fell by 15% to 488, and disposals fell by 8% to 695.

This reduction can be attributed almost entirely to the increase in cautioning, since the numbers notified to Liaison remained the same despite a fall in the numbers of 10-16 year olds resident in the County. It should be noted at this point that very few juveniles appeared before South Glamorgan courts, who were not resident within the county.

(ii) Sex

In both years, about 8% of juveniles appearing were girls - less than the percentage referred for Liaison (15%), because of the higher cautioning rate for girls. This represented just 45 girls in 1987.

(iii) Age

Table 14 shows the ages of juveniles appearing before the two courts. Of note is the sharp reduction in outcomes for those aged 13 or under between the two years, from 121 to 64 ( 16% to 9%) However despite the reduction in numbers before both courts, it will be noted that the actual numbers of 15 and 16 year olds went up in Cardiff as did the number of 16 year olds in the Vale, - an observation which is strongly suggestive that the cautioning rate increased for younger, but not for older juveniles.

Table 14

Ages of those appearing before the Juvenile Courts. South Glamorgan. 1986 and 1987.

	1986		1987		1986		1987	
Aged 10	1	(0%)	0		0		0	
11	5	(1%)	1	(0%)	2	(1%)	0	
12	29	(5%)	5	(1%)	16	(9%)	2	(1%)
13	52	(9%)	40	(7%)	16	(9%)	16	(12%)
14	106	(18%)	90	(16%)	28	(16%)	24	(17%)
15	152	(26%)	186	(33%)	50	(29%)	29	(21%)
16	204	(35%)	217	(39%)	54	(31%)	64	(46%)
17	37	(6%)	18	(3%)	5	(3%)	3	(2%)
Totals	587		557		171		138	

(iv) Previous history of prosecution.

Table 15 shows the previous prosecution history of outcomes in the two juvenile courts in 1986 and 1987. Caution is required before concluding any trend between the two years, since it has been noted that groups of recidivist youngsters appear to come before the courts in waves. Perceived changes might therefore only indicate a cycle as opposed to a trend. What is somewhat puzzling in the table is the small numerical but large percentage increase in the Vale, of juveniles with no previous history of prosecution, especially as cautioning rose by about 10% in 1987. What is clear is that in Cardiff, recidivism featured more prominently in 1987, but less prominently in the Vale. One would expect the greater or lesser presence of recidivism to be reflected in court outcomes.

Table 15

Previous court outcomes within the Juvenile Courts South Glamorgan. 1986 and 1987.

	Cardiff				Vale			
	1986		1987		1986		1987	
0	262	(45%)	195	(35%)	48	(28%)	57	(41%)
1 - 2	188	(32%)	179	(32%)	60	(35%)	44	(32%)
3 - 4	80	(13%)	101	(18%)	29	(17%)	20	(15%)
5+	57	(10%)	82	(15%)	34	(20%)	17	(12%)
Totals	587		557		171		138	

(v) Primary offences.

For the purposes of the data, a single outcome in court is recorded, whether the juvenile is sentenced for one offence or a

group of offences. In the latter case, the 'highest' outcome on a notional tariff is recorded, as is the notionally most serious offence. Table 16 demonstrates the primary offences for each outcome, in the juvenile courts. Comparing this table with national statistics reveals little that is exceptional in the nature of detected juvenile offending in the County. Crimes of violence were relatively rare, and much of that was at the less serious end of the scale. Burglary, especially domestic burglary, is viewed seriously by the local courts, and there was a marked decrease in such in the Vale in 1987. A burgeoning cause for concern, as will be revealed in later figures on custodial sentencing, was vehicle theft. In 1987, much of that was at the more serious end of such thefts. ( i.e. involving damage and recklessness )

Table 16  
Primary offences for outcomes in the Juvenile Courts. South Glamorgan. 1986 and 1987.

	Cardiff		Vale	
	1986	1987	1986	1987
Public Order etc	47 (8%)	47 (8%)	14 (8%)	7 (5%)
Traffic	45 (8%)	27 (5%)	11 (6%)	16 (12%)
Theft	222 (38%)	196 (35%)	50 (29%)	52 (38%)
Criminal Damage	41 (7%)	41 (7%)	12 (7%)	10 (7%)
Burglary	93 (16%)	100 (18%)	60 (35%)	22 (16%)
Vehicle theft	88 (15%)	105 (19%)	15 (9%)	16 (12%)
Robbery	7 (1%)	3 (1%)	0	3 (2%)
Arson	6 (1%)	2 (0%)	0	0
Assault	38 (6%)	36 (6%)	9 (5%)	12 (9%)
Totals	587	557	171	138

### 5.3.3 The Outcomes of Prosecution

For the purposes of this analysis, outcomes for the two juvenile courts are divided into two age groups. A further analysis was conducted comparing outcomes for boys with those for girls, since it has been suggested that girls receive "up tariff" disposals because of welfare concerns by courts which are more prevalent than for boys. The data did not however support this

possibility, and is omitted here.

In terms of the younger age group, the much reduced number in 1987, were dealt with largely without resort to formal supervision. This group is important to identify, since it is known that those who are processed by the system at a relatively early age are more likely to develop recidivist characteristics. Although there were no Care Orders in Cardiff, there were four, (over two years) in the Vale. None of these were recommended by the agencies.

Table 17.

Outcomes in the Juvenile Courts. South Glamorgan. 1986 and 1987.

(i) Juveniles aged 10 - 13 yrs.

	Cardiff		Vale	
	1986	1987	1986	1987
Discharged	50 (57%)	22 (47%)	12 (35%)	10 (56%)
Fine	5 (6%)	4 (9%)	5 (15%)	4 (22%)
Attendance Centre	14 (16%)	14 (30%)	7 (20%)	3 (17%)
Supervision Order	11 (13%)	3 (7%)	5 (15%)	0
Sup.Order +IT	1 (1%)	0	2 (6%)	0
Care Order	0	0	3 (9%)	1 (6%)
Other	6 (7%)	3 (7%)	0	0
Totals	87	46	34	18

(ii) Juveniles aged 14 - 17 yrs.

	Cardiff		Vale	
	1986	1987	1986	1987
Discharged	213 (43%)	189 (37%)	32 (23%)	31 (26%)
Fine	114 (23%)	98 (18%)	37 (27%)	50 (42%)
Attendance Centre	59 (12%)	87 (17%)	17 (12%)	8 (7%)
Supervision Order	43 (9%)	58 (11%)	12 (9%)	4 (3%)
Sup.Order +IT	7 (1%)	3 (1%)	10 (7%)	2 (2%)
Sup.Order +Sp.Act	12 (2%)	19 (4%)	3 (2%)	3 (2%)
Care Order	1 (0%)	0	0	0
Charge & Control	0	0	1 (1%)	0
Comm.Service Ord.	6 (1%)	8 (2%)	4 (3%)	5 (4%)
Detention Centre	14 (3%)	14 (3%)	16 (12%)	7 (6%)
Youth Custody	5 (1%)	8 (2%)	2 (1%)	5 (4%)
Other	26 (5%)	27 (5%)	3 (2%)	5 (4%)
Totals	500	511	137	120

There are a number of aspects of Table 17 (ii), apart from custodial sentencing, which merit comment. Discharges in Cardiff were high in number, higher in fact than in any area monitored in a recent study of six local systems. ( See Appendix 6). But such a



high number is not entirely unexpected in an area with a very low cautioning rate. The Cardiff Court favoured discharge as a 'first rung' disposal, whereas the Vale favoured the fine. Attendance Centre Orders were used by the courts in a wide variety of circumstances, from first offences to post custodial disposals (despite the legal rejoinder on the latter). Their greater use in Cardiff in 1987 was a reflection of the more recidivist nature of the court population in that year. Formal supervision was used relatively little by both courts - lower than the national use of Supervision (14% in 1986)

During the period of the study, a number of magistrates, both privately and publicly declared that they did not sentence to a tariff, but considered each case individually. To a limited extent, that may have been true. Nevertheless there was clear evidence in South Glamorgan, as there is elsewhere, that a tariff existed. If, for instance, we divide outcomes into five categories, the relative percentages of those categories develop a pattern, as numbers of previous disposals increase. (See Figure 5).

Figure 5.  
Percentage of five Categories of Outcome, per number of previous disposals. South Glamorgan Juvenile Courts. 1986 and 1987.

	0%	10%	20%	30%	40%	50%	60%	70%	80%	90%	100%	
	N(1986)											
No prev.	A						B		C	D	N = 252	
1 prev.	A			B			C		D	E	N = 146	
2-3 prev.	A	B		C			D			E	N = 143	
4-5 prev.	A	B		C		D			E	N = 92		
6+ prev.	A		B	C	D			E		N = 62		

KEY: A= Discharges. B= Fines. C= Attendance Centre  
D= Supervision. E= Custody.

Irrespective of other determinants of outcome, such as

seriousness of offence, a clear tariff pattern emerged, with low tariff disposals becoming increasingly less likely and custody more likely. An interesting variation seemed to occur at the 6+ previous offences level, where lower tariff disposals became slightly more likely as the courts, (and the agencies), "ran out" of ideas!

In 1986, 9% of all those who appeared in juvenile courts in England and Wales received a custodial sentence. This is another figure which needs to be treated with some caution, since the national figure masks local differences in cautioning rates. Despite Cardiff's low cautioning rate, its percentage of custodial disposals in both 1986 and 1987 was considerably lower than the national rate. The rate of custody in the Vale was higher, partly because of its higher cautioning rate, partly because of a less liberal magistracy and partly (at least in 1986) because of the presence of an erstwhile CHE within its borders, whose pupils, placed therein from afar, determined to abscond and offend at will. If one looks at the numbers who received custody, as a percentage of all juveniles aged 14-16 who lived in the respective areas, the rates differ less. Indeed it would appear that the higher level of cautioning in the Vale served only to replace low tariff disposals and had little effect on the numbers receiving custody. This finding tends to confirm a similar conclusion in the Welsh Office survey when the juvenile court outcomes of the four Welsh Police authorities were compared. That showed that when the number cautioned were added to the number of sentences other than custody, they varied by only 6% from the highest to the lowest, despite a variance of 22% between the highest and the lowest cautioning rates. (11)

A number of other features of those sentenced to custody

merit comment. Table 18 shows that whilst the numbers receiving custody dropped slightly, sentences tended to lengthen (from an average of 13 weeks in 1986 to an average of 16 in 1987).

Table 18  
Lengths of Custodial Sentences. South Glamorgan Juvenile Courts.  
1986 and 1987.

	Cardiff		Vale		Totals	
	1986	1987	1986	1987	1986	1987
21 days	3	5	4	0	7	9
22 - 56 days	7	7	4	2	11	9
57 days +	9	10	10	10	19	20
Totals	19	22	18	12	37	38

In 1987 those receiving custodial offences were, on average, somewhat older. There was a reduction between the two years from nine to two 14 year olds, and from ten to eight 15 year olds, receiving custody.

Table 19  
Ages of those receiving Custodial sentences.  
South Glamorgan Juvenile Courts. 1986 and 1987.

	Cardiff		Vale		Totals	
	1986	1987	1986	1987	1986	1987
14 year olds	5	2	4	0	9	2
15 year olds	3	5	7	3	10	8
16 year olds	9	11	6	9	15	20
17 year olds	2	4	1	0	3	4
Totals	19	22	18	12	37	38

Table 20 demonstrates that burglary predominated as an offence likely to attract custody in both Courts in both years but the increasing concern of the magistracy over vehicle offending in Cardiff in 1987, resulted in an increase from three to ten custodial sentences for that offence. However there was a corresponding decrease of custody for assault. Minor offending featured little in custodial sentences. ( For a comparison with the SIS study - see Appendix 6 )

Table 20

Primary Offences for those receiving Custody. South Glamorgan  
Juvenile Courts. 1986 and 1987.

	Cardiff		Vale		Totals	
	1986	1987	1986	1987	1986	1987
Breach A.C.	1	0	1	0	2	0
Theft	2	2	2	0	3	2
Vehicle theft	3	10	2	4	5	14
Damage	0	0	2	0	2	0
Burglary	6	8	10	7	17	15
Assault	7	1	1	0	8	1
Robbery	0	1	0	1	0	2
Totals	19	22	18	12	37	34

In terms of previous court disposals, those receiving custody, had, on average, received 5.1 and 5.0 previous disposals in Cardiff in 1986 and 1987. The corresponding figures for the Vale were 4.8 and 3.7 - a further indication that where cautioning is greater, custody is placed earlier in the court tariff. In this respect, the findings differ very widely from a survey completed by NACRO (11). NACRO were responsible for monitoring the operation of Juvenile Justice in a number of areas where 'Alternative to Custody schemes' had been set up, funded under the LAC83 initiative. They found that some 18% of all custodial sentences in the areas they were surveying, were imposed as a first outcome in criminal proceedings. A further 14% was imposed as a second outcome and a further 14% as a third outcome.

The nature of the previous disposals when custodial sentences were imposed in South Glamorgan, was also examined. A relatively high number had received at least one previous period of formal Supervision. In addition, in 1987, one third in the Vale and one half in Cardiff had received previous custodial sentences. (See Table 21) The increase in 1987, of juveniles who had previously supervision and custody is again indicative of the cluster of recidivists passing through the system that year.

Table 21

Previous Disposals of those receiving Custody. South Glamorgan Juvenile Courts. 1986 and 1987.

	Cardiff		Vale	
	1986	1987	1986	1987
% with previous Supervision	68%	86%	78%	92%
% with previous Custody	32%	50%	39%	33%

One further area of concern related to the use of the Specified Activity Order. These were introduced in April 1986 by the Social Services Department in South Glamorgan as a direct alternative to custody. All the SAOs recorded in Table 17 (ii) were made as part of that scheme. If the number of custodial sentences is added to the number of SAOs, the total for 1986 is 52 and for 1987 is 56. The increase in Cardiff is from 31 to 41. Is it possible then, that the SAO was having a net-widening and up-tariffing effect by replacing lower tariff disposals instead of, or as well as, custody ?

In order to answer that question, the custodial disposals in 1987, were directly compared with the SAOs. Three variables were identified which influence sentencing - the seriousness of the offence, the previous disposal highest in the tariff, and the number of previous disposals

(i) Seriousness

Offences were categorised into one of five levels of seriousness according to a predetermined scale. (See appendix 1). as shown in Table 22(i). [overleaf]

Although the Custody group, contained more offences at the more serious end, it was also characterised by more offences at the less serious end. A Chi-squared test was applied to the raw figures and there was no significant difference at either the 1% or

Table 22 (i)

Seriousness of Offence. Custody and SAO.		
Category of Seriousness Level	% of primary offences in category	
	Custody	SAO
1	3%	0%
2	24%	14%
3	41%	64%
4	21%	18%
5	12%	5%

5% levels. What is not shown here is the number of offences which were considered for each disposal - further examination showed a tendency for there to be more offences for each outcome in the Custody group. Nevertheless there was essentially little difference in terms of seriousness of offence between the Custody and SAO groups.

(ii) Highest previous disposal

Once again the 'highest' previous outcome was measured for the two groups. Table 22(ii) shows the results.

Table 22(ii)

Highest Previous Disposal. Custody and SAO groups.		
Highest Previous Disposal	% of highest prev.disposal in	
	Custody Group	SAO Group
Discharge	4%	8%
Fine	7%	0%
Attendance Centre	7%	23%
Supervision Order	14%	23%
S.O.+IT	8%	5%
S.O.+Sp.Acts.	8%	9%
Care Order	4%	5%
Community Service Order	4%	0%
Custody	44%	18%

Once again the difference between the two groups proved not to be statistically significant at the 5% or 1% levels. However there was a clear difference between the two groups, with a tendency for the SAO group to have had lower tariff previous disposals. The biggest pre-determinant for custody was clearly a previous custodial disposal. Once custody had been imposed it was very much more likely to be imposed again, if offending

re-occurred. Nevertheless, the SAO group also included a telling number with previous custodial disposals.

(iii) Number of Previous Disposals.

The two groups were again compared.

Table 22(iii).

Number of Previous Disposals. Custody and SAO Groups.

No. of previous disposals	% of each number in	
	Custody Group	SAO Group
0	0%	5%
1	9%	18%
2	9%	9%
3	21%	9%
4	18%	9%
5	12%	23%
6+	32%	27%

This measure of the differences/similarities of the Custody and SAO Groups showed the greatest similarities. The average number of previous disposals for the Custody Group was 4.5 compared with 4.0 for the SAO Group, - a small but not a significant difference.

Though there was some evidence that the SAO was positioned on a tariff continuum at the lower end of the 'likely to get custody' group, there was little evidence to suggest that it was attracting clients who would not otherwise have got custody. The expanded total number of young people who received either custody or an SAO may have resulted from there being a greater number in Court in 1987, with characteristics which the Courts considered merited custody or its alternative. Further investigation was required to furnish a satisfactory explanation for this aspect of the figures.

A final note to be made in this section, relates to the Crown Court. This study of the Juvenile Justice System was limited to the Liaison system and the Juvenile Courts. In order to complete the pattern of disposals for all 14-16 year olds, the sentences of

the Crown Court need to be included. There were in fact 44 boys and eight girls sentenced in the Crown Court in 1987, although it is not known how many of these were residents of South Glamorgan. Of these, 11 resulted in custodial sentences for boys and none for girls. It is reasonable to conclude that at least five of these were for young people from South Glamorgan.

#### 5.3.4 The Process of Prosecution

Thus far this analysis of the Juvenile Justice System in South Glamorgan has been based on quantitative measures of input and outcome. It is a common experience of those who work with young people and their families in the context of the juvenile court, that they are as concerned with the process of justice as they are with the outcome of that process. Howard Parker in his comparison of the process and outcomes of two juvenile courts, commented extensively on the perceptions which young people and their families had of the process of justice. He demonstrated that it was important that the process of the system had to be logical, consistent and rational if it was to retain credibility. In the two courts which he studied, a large majority of parents were dissatisfied with the service they and their children received. Families felt a keen sense of natural justice and did not appreciate individualised sentencing or the discretionary ( and they felt arbitrary ) powers of the police.(12). There are very many aspects of process which can be examined. Parker's method, which included the collation and evaluation of clients perceptions, was particularly powerful, in that its qualitative analysis provided colour and corroboration to the bare bones of the numbers.



No attempt has been made in this part of my research to systematically solicit the views of young people and their families. Nevertheless, as well as researcher, I was also a manager and a practitioner in the system under examination. As a practitioner, I was able to develop a keen perception of the ethos of the respective courts, and they are worth describing before proceeding.

Cardiff and the Vale Juvenile Courts could hardly be more different in ethos and style. Many aspects of the two courts were reminiscent of Parker's "city" and "country" courts. In the Vale the court met on four Thursdays each month, although on those Thursdays, two courtrooms were often used simultaneously. On three of those days the Court met in Barry but on the fourth, in deference to the citizens of the country market town of Cowbridge, all the Barry delinquents trooped the ten miles to Cowbridge. The Barry courthouse is purpose-built and relatively new and stands as a monument to civic pride. The courtrooms themselves were used for both adults and juveniles. They are therefore very formal and spacious. The Clerk prided himself <sup>on</sup> ~~with~~ efficiency and correct<sup>ness</sup> ~~itude~~ and the proceedings of the court reflected the building in which they were held. Clerking was continuous, so the same clerk was likely to see a case through from initial appearance, and adjournments to outcome. The Courtrooms had an air of calmness. The waiting room was comfortable and tidy. And the WRVS provided excellent refreshments. But there was little informality either in the building or in the attitudes expressed by the Bench or its officials.

Not so in Cardiff. At the time of this study the Court met on five days each week. (Since then the the process of justice has

been painfully squeezed into three days per week.) The single courtroom is a converted room at the rear of the Whitchurch police station. The court is only used for criminal proceedings against juveniles, care proceedings being conducted in a cold and dirty Dickensian hovel in the Docks. The waiting rooms are tiny and on most days were packed with a varied assortment of children, parents, supporters and disgruntled solicitors who had been unable to find a parking space and who were vainly attempting to interview their clients against a background of screaming babies, perspiring mums and the occasional cowering dad. The Detention room had no natural light, its only window having been bricked up following an "escape" in early 1987. Refreshments were available at a local cafeteria but toileting was best postponed. Despite the weekly visits of the Community Service Order cleaning brigade, its walls were adorned and readorned with the artistic talent of a generation of Cardiff delinquents. Because of the policy of the Court Clerk, different clerks sat each day of the week, with the result that there was little continuity. Standards of procedure tended to change each day. Procedure in the Court was made the more difficult in 1987, as the newly formed Crown Prosecution Service struggled to master its business. As a result, juveniles arrived who were not listed and vice versa and cases were delayed/postponed/abandoned as paperwork was mislaid/lost. However the Court's saving grace was its relative informality and the Bench were generally appreciative of the efforts of the agencies and took trouble to respect the needs and rights of those whom appeared before it.

As far as the research is concerned, three aspects of process were examined in greater detail, and quantitative measures were made. These were:

i. The relative influence of Probation and Social services on sentencing.

ii. The processing of denied allegations.

iii. The time-scale of processing.

A fourth factor - remand in care or custody - was also thought to be a most important aspect of process, which required some examination, but time precluded this aspect being monitored in sufficient detail to yield worthwhile results.

(i) The influence of the Agencies.

Within South Glamorgan, the Social Services and Probation Departments both provide Social Enquiry Reports. Unless previous involvement dictates otherwise, Probation prepares the reports for those aged 14 and over, and Social Services for those aged 13 and under. However whilst few Probation reports were for those aged under 14, very many Social Services reports were for those aged 14 and over. In 1987 reports were requested for 56% of cases - 59% in Cardiff and 46% in the Vale. 28% of Probation reports were for first time appearances, compared with 15% of Social Services reports. A total of 390 reports were prepared - 64 in the Vale (31 Social Services and 32 Probation) and 327 in Cardiff. (127 Social Services and 200 Probation). (See Table 23)

The groups for which the two agencies prepared reports differed in other ways as well. The average age of Probation cases was 15 yrs 10 months, compared with Social Services 15 yrs 5 months. However the average number of previous outcomes was 2.8 for Social Services compared with 1.9 for Probation. Thus though Social Services cases were on average five months younger, they had appreciably greater previous court experience. This significant difference had little to do with the respective juvenile justice

Table 23

Social Enquiry Reports. Agency Responsibility. South Glamorgan  
Juvenile Courts. 1987.

	Cardiff	Vale
Social Services	127 (23%)	31 (22%)
Probation	200 (36%)	32 (23%)
No reports	230 (41%)	75 (54%)
Totals	557	138

policies of the agencies but rather reflected Social Services previous involvement with young people for family welfare reasons - and with young people whose family-centred problems later manifested themselves in delinquent behaviour. Many in the Probation group had first developed social behaviour problems, which merited the intervention of an external agency, in adolescence, whereas many in the Social Services group had experienced welfare related problems from an early age.

At the time of the study, the staff who prepared SERs in the respective agencies were organised in quite different ways. Whereas Social Workers attended the courts frequently, Probation Officers depended upon communicating with the court through a Probation assistant. All Probation reports were prepared by two small specialist teams who were able to determine and effect policy. So the 232 Probation reports were prepared by about 12 officers. By way of contrast, 158 Social Services reports were prepared by four Senior Practitioners and social workers within eight generalised child and family teams. Although the Senior Practitioners communicated and advised on policy and practice, the Social Service reports were prepared by over 40 social workers.

One intention of the 1969 CYPA was that the Probation Service withdraw from juvenile court work and that Social Services perform the functions previously undertaken by Probation. Such a development was seen to be in keeping with the overall welfare

philosophy of the Act. However it was recognised that Social Services were not able to shoulder this additional burden immediately, and an incremental approach was adopted. Except in a few areas in England, complete transfer has not taken place. For historical (and political) reasons, we therefore have two agencies performing identical functions in the juvenile courts, as far as SER production is concerned, though the overall responsibilities of the Probation Service are quite different from the wide remit of Social Services. Other studies have shown that even when, within the respective agencies, coherent juvenile justice policies are practised, there can exist considerable differences between the agencies. In a small study conducted in 1975, (13) Thorpe claimed to demonstrate that Social Service welfare based recommendations in SERs resulted in rapid "up-tariffing" and earlier custodial disposals. In a much wider and later study (14) conducted by Social Information Systems in four areas, Probation was demonstrated as the agency recommending "up-tariffing" sentences at an early stage. In particular, Probation favoured the much earlier use of the Supervision Order.

In order therefore to determine the influence of the respective agencies in South Glamorgan, their recommendations to the courts were examined. Table 24 shows those recommendations.

Table 24

Recommendations of Social Services and Probation in SERs. South Glamorgan Juvenile Courts 1987.

	Social Services	Probation
Discharge	45 (28%)	68 (29%)
Fine	28 (18%)	25 (11%)
Attendance Centre	33 (21%)	59 (25%)
Supervision Order	13 (8%)	45 (19%)
Sup.Order + IT	1 (1%)	4 (2%)
Sup.Order + Sp.Acts	18 (11%)	10 (4%)
Care Order	1 (1%)	0
Comm. Service Order	7 (4%)	11 (5%)
Custody	0	2 (1%)
Defer	9 (6%)	5 (2%)
"Leniency"	1 (1%)	1 (0%)
No recommendation	2 (1%)	2 (1%)
Totals	158	232

Outcomes in the 390 reported on are as shown in Table 25

Table 25

Outcomes of all cases where SERs were prepared South Glamorgan Juvenile Courts 1987

	Social Services	Probation
Discharge	36 (23%)	62 (27%)
Fine	23 (15%)	24 (10%)
Attendance Centre	33 (21%)	60 (26%)
Supervision Order	18 (11%)	46 (20%)
Sup.Order + IT	1 (1%)	4 (2%)
Sup.Order + Sp.Acts	15 (9%)	7 (3%)
Care Order	1 (1%)	0
Comm. Service Order	3 (2%)	9 (4%)
Detention Centre	10 (6%)	11 (5%)
Youth Custody	7 (4%)	3 (1%)
Defer	11 (7%)	6 (3%)
Totals	158	232

Acceptance rates of the recommendations of the respective agencies was similar - 77% for Social Services and 78% for Probation. Because it is the policy (Social Services) and virtually the practice (Probation), not to recommend custody, numbers of recommendations not followed inevitably related to those who received custodial sentences - 12% of Social Service reports and 6% of Probation reports. Care should be taken in comparing the table of recommendations against sentences, since, for instance, the 45 Supervision Orders which Probation recommended do not exactly

coincide with the 46 they received. Of the 45 they recommended, they only obtained 36 - of the remainder, three received Attendance Centre orders, three sentences were deferred and three received custodial sentences. Of the 46 Supervision Orders made, one was a recommended discharge; one was a fine; six were Attendance Centre orders and two were Community Service Orders.

The pattern of recommendations of the two agencies was remarkably similar and does not provide evidence suggestive of totally different policies or practice. However there is evidence of a tendency for Probation to recommend formal Supervision earlier and more frequently. However within this study there is no substantial evidence that this greater and earlier use of Supervision led to greater levels of custody at a later stage. There was another factor at work which Probations greater use of Supervision reflected. Informal supervision was being offered to very many more Social Service than Probation clients prior to the court appearance for welfare generated reasons and Social Services did not then recommend formal Supervision if the arrangements for informal supervision were satisfactory.

A second difference between the agencies, within the pattern of outcomes, was the higher percentage of Social Service clients who received custody ( 11% of those reported on as opposed to Probation's 6% ) Once again there is no evidence here to suggest that that was anything to do with recommendations of that agency - but that rather it reflects Social Services higher proportion of recidivist clients. Linked with this, it will be noted that Social Services recommended rather more SAOs and this not only related to the fact that they were the providing agency but also that they had more clients by definition, who were likely to receive custody.

A further point of note is the number of reports both agencies produced on juveniles who were appearing in court for the first time - a total of 83 reports, or one third of the total.

Table 26 shows the outcomes for those reported on, and those without reports, who were in court for the first time.

Table 26

Outcomes for Juveniles in court for the first time. South Glamorgan Juvenile Courts. 1987

Outcome	SER cases	No report cases
Discharge	54 (63%)	121 (72%)
Fine	6 (7%)	43 (26%)
Attendance Centre	14 (17%)	5 (2%)
Supervision Order	9 (13%)	0
Totals	83	169

At face value it would appear that the first-timers who have SERs prepared on them are somewhat more likely to receive up-tariff disposals. However the seriousness of the offence must also be taken into account, and it is most likely that those first-time cases for which SERs were requested were the more serious cases. (No measurement of this was however made.) However the figures demonstrate that the agencies expended much effort on reports recommending no more than a discharge.

#### (ii) Processing of denials

The second exercise to investigate 'process' relates to the way the system handled those who denied allegations. Most young people who were referred to Liaison admitted their guilt. For them the involved process of liaison, consultation, and, if prosecuted, prosecution, report preparation and mitigation served only to assist the Bench in determining outcome and disposal. Of the 695 disposals in South Glamorgan Juvenile Courts in 1987, 585 or 84% resulted from offences which were admitted. The remaining 16% were found proven after a trial of the evidence. Notwithstanding this, a



total of 243 cases were originally listed in the courts as contests. This position is summarised in Table 27.

Table 27

Summary of cases originally listed as Contests. South Glamorgan Juvenile Courts. 1987.

Cases dealt with after allegation admitted	585	)	
		)	695
Cases found proven after a denial	110	)	
		)	
Cases found not proven after a denial	75	)	243
		)	
Cases withdrawn after plea of denial taken	58	)	

Thus, of the 243 pleas of denial (these figures exclude cases withdrawn before a plea in court), just 45% resulted in conviction. These cases were meant to go through rigorous sifting processes before coming to court. Once the juvenile initially denies the offence, the police must review the evidence to ensure it is sufficient to obtain a conviction. If not, an option of No Further Action is available. Though the case is not reviewed by the Liaison panels, the Crown Prosecutor must then satisfy himself that he has sufficient evidence for a conviction. Yet, despite this process, some 55% of cases were not proven or withdrawn at a very late stage. Because of the problems of listing, contests in 1987 took up to two months to be heard. Table 28 summarises the length of time between first court appearance and withdrawal for the fifty-eight withdrawn cases.

Table 28

Length of Episode for cases subsequently Withdrawn. South Glamorgan Juvenile Courts 1987.

Date of 1st app.	2-30 days	31-60 days	61-90 days	91-120 days	121-150 days	
4	6	21	17	8	2	N=58

Many of the juveniles made three or four appearances before

the final withdrawal.

The evidence on the processing of denials is that, despite a system of sifting, many cases proceeded to a late stage where "no further action" could have been taken at a much earlier stage. On my questioning the police concerning this matter of denials, it was suggested to me that the Police and Criminal Evidence Act had increased the numbers of denials. In a separate check of that assertion, I found no evidence to substantiate it. Regardless of this claim, the denials included in Table 27, exclude those who denied the offence but subsequently, at the court stage, changed their plea to an admission.

It should also be noted that this examination was carried out in the first year of operation of the Crown Prosecution Service. During the period the CPS found it difficult to cope with their workload, and because of a certain amount of animosity between the Police and CPS, it is possible the Police pushed numbers of denials through, "to test the water".

### (iii) Adjournments

The third aspect of "process" which was investigated, was that relating to adjournment and hence the length of time a young person found himself coming to and from the court awaiting an outcome. Because of the logistical problem of monitoring a very large number of cases, a sample was taken - that sample being all cases which first appeared in the juvenile courts during one month - July 1987. There were 52 such cases. There are three factors which routinely cause additional adjournment - Contests, SER requests and remands in care, although a remand in care, rather than bail, sometimes reduced the overall time a case took because of the imperative to return to court at 7 day intervals. As there

were only two remands in care during the month, this factor was discounted and the remaining two factors were measured. The 52 cases were thus divided into four categories (See Table 29)

Table 29

Numbers of adjournments for four categories of case. 52 cases in South Glamorgan Juvenile Courts. July 1987.

Court appearances.	1	2	3	4	5	Total	Average
No Contest. No SER.	8	13	2	0	0	23	1.74
No Contest but SER.	0	8	5	4	0	18	2.78
Contest but no SER.	0	0	4	2	0	6	3.33
Contest and SER.	0	0	2	1	2	5	4.40
Totals	8	21	14	7	2	52	

Table 30 indicates the elapsed period of time for cases to come to the point of disposal.

Table 30

Elapsed time between first appearance and final disposal. 52 cases commencing in South Glamorgan Juvenile Courts. July 1987

Up to 2 weeks	2+to 4 weeks	4+to 6 weeks	6+to 8 weeks	8+to10 weeks	10+to12 weeks	12+to14 weeks	14+to16 weeks
16	15	6 (1)	6 (2)	4 (3)	1 (1)	1 (1)	3 (3)

Figures in brackets refer to Contests.

Thus, of the 23 cases where neither SER was requested or Contest involved, a third were dealt with on the first appearance, and almost all of the remainder at the second appearance. Where an SER was requested, 44% were dealt with at the earliest opportunity (second appearance) The remainder were dealt with on their third or fourth appearance. These results are not indicative of high levels of avoidable adjournments.

However where contests were involved, there were appreciably more adjournments and longer waiting periods. Of the six contests where SERs were not subsequently requested, none were resolved at the first opportunity (second appearance). On average contests were fully resolved ( withdrawn or outcomes determined )

72 days after the initial court appearance. Within the prevailing justice system and court rules, it is inevitable that contested matters take more time to resolve. Nevertheless, especially in view of the number eventually withdrawn or not proven, such delay caused considerable anxiety to the young people involved and their families.

#### 5.4 Statistical update

Although for the purpose of this study, the Juvenile Justice System within South Glamorgan was examined during 1986 and 1987, continued monitoring took place throughout 1988. Indicators from that continued monitoring are worth including here because of their somewhat ominous portent.

1988 saw a drop of 126 cases reported to the Liaison panels. (a 5% reduction) In the light of the further reduction of juveniles living in the County in 1988, this reduction was minimal. Of those referred, the numbers who denied allegations rose by a further 1% of all referrals, numbers arrested and charged rose from 17% to 20% of all referrals and instant cautions dropped from 13% to 9%. Thus the number of referrals the panels could make a recommendation for, fell by 4% of all referrals to 56%.

Of even more concern, there was a drop of 2% (64% to 62%) of recommendations for a caution, and a drop of 4% (from 56% to 52%) in the overall cautioning rate. These results are the more disappointing in the light of the Chief Constable's new guidelines which were issued at the beginning of 1988. There is no evidence that the major innovation of those guidelines - to submit to panels only those cases for which the police are not already certain that a caution is appropriate, was adopted.

*custody increased.* In terms of those sentenced in court, the number receiving 45 custodial sentences were imposed in 1988 as opposed to 34 in 1987 and 37 in 1986.

#### Summary of findings.

##### 5.5.1 Inputs to Liaison.

(i) South Glamorgan is the smallest geographical county in Wales, and consists of a large city population of some 300,000 plus smaller towns and villages with a population amounting to a further 100,000. The numbers of notified crimes, relative to the size of the population, for all age groups, is within the highest 25% of all English and Welsh police forces. The Juvenile Justice system therefore operates within a context of high levels of detected crime.

(ii) Compared with other areas of England and Wales, large numbers of juveniles, relative to the total population of juveniles in the County, were processed through the Juvenile Justice system.

(iii) Despite a year by year reduction of the number of juveniles resident in the County during previous years, the yearly number of juveniles processed remained constant, and thus the proportion rose. There is some evidence, although of a rather speculative nature, that young people previously dealt with informally, were now referred to the Liaison system.

(iv) Of juveniles processed, 60% were considered for recommendation. Of the remainder, there was a sharp increase in the number of denied cases in 1987. Of denials which proceeded to court, 45% resulted in withdrawal after plea, or were not proven.

(v) Numbers of those 'arrested and charged' and thus prosecuted without the benefit of the Liaison process, increased during the year. Likewise, 'instant cautions' decreased. Levels of 'arrest and charge' varied between the three Divisions. Criteria were applied inconsistently and many subject to this procedure appeared in court for very minor offences.

(vi) Levels of delinquency were particularly high in certain areas of the County. These areas coincided with areas of social deprivation - some of relatively new origin - and were well-known to social workers and probation officers.

(vii) Most offending reported to the Liaison panels was relatively minor. About half was for theft. Just 12% related to burglary and 4% to assault.

#### 5.5.2 Outcomes of Liaison

(ix) The proportion of juveniles cautioned in 1987 rose by 10% over 1986. Cautioning rates throughout England and Wales are generally rising at the present time and this increase must be set against a very low base rate. It remains as one of the lowest in the country. Girls were more likely to be cautioned than boys, since their offending was relatively minor. The chance of receiving a caution decreased with age, even allowing for the greater level of previous offending of older juveniles. There were substantial differences of cautioning rates between the three Police Divisions, which cannot be accounted for by different offending patterns. Substantial numbers of young people who had committed minor crime, were prosecuted, resulting in high levels of low-tariff disposals in the courts.

### 5.5.3 The Process of Liaison

(x) Many cases were brought to Liaison for little apparent purpose. Many decisions were non-contentious, and went through 'on the nod'. This resulted in additional consultation procedure for the agencies on the panels, to little effect.

(xi) Little pre-screening appeared to take place prior to panel referral. Some cases appeared to be so trivial as to merit informal action only. Some cases were recommended for prosecution, but never appeared before the courts. There appeared to be a need for greater screening of allegations which were denied.

### 5.5.4 Inputs to Juvenile Prosecution

(xii) Numbers of outcomes, as well as numbers of juveniles in court, fell during 1987. This resulted entirely from the activity of the Liaison panels and not from the reduced number of juveniles in the population.

(xiii) Many fewer younger children appeared in court in 1987 - just 20 under the age of 13. In general the younger children did not attract outcomes of formal supervision.

### 5.5.5 Outcomes of Prosecution

(xiv) If not by design, the Courts operated a tariff framework for sentencing, which related more to number of previous outcomes, and their nature, than to anything else.

(xv) Very high numbers of Fines and Discharges were imposed. Supervision Orders were infrequently used. The additional requirement of IT was rarely imposed and rarely recommended. Care orders had all but disappeared. Attendance Centre Orders were frequently used, and for a very great variety of offenders.

(xvi) Custody and its alternative the SAO were generally

reserved for those whose offending was the most serious and for whom Supervision, in its various forms, had been previously tried. The greatest predictor of custody, was a previous custodial sentence.

(xvii) The custody rate appeared to be relatively low, although increasing the level of cautioning appeared to substitute for low-tariff disposals, and not affect the numbers going to custody. There was no evidence that the custody rate was falling. Indeed the latest information indicates that in 1988 it was rising. There was evidence that sentences were becoming longer.

(xviii) Only 45% of denials resulted in conviction.

#### 5.5.6 The Process of Prosecution

(xix) Despite the fact that the Courts insisted on SER reports for more than half of all juveniles, there was clear evidence that outcomes were determined within the context of principles of determinacy and tariff and that the meeting of any 'welfare' needs was seen as falling outside of the judicial framework.

(xx) Probation were responsible for two juveniles to every one of Social Services. Nevertheless, Social Services youngsters were only marginally younger, had, on average, more previous court appearances and longer histories of welfare-related intervention. Social Services were organised in a less focussed way than Probation. That made it more difficult for that service to direct policy at the system. Nevertheless there were no significant differences between the agencies in their recommendations to the courts, except for a tendency for Probation to recommend formal Supervision more frequently and earlier. Take up of recommendations



for both agencies was high. Both agencies produced reports on young people appearing in court for the first time, and seven out of ten of such reports resulted in discharges or fines. This compared with the discharges and fines received by almost all the first-timers who were not reported on. Much time was therefore devoted to preparing such reports, to little effect, although it was noticeable that defence solicitors used such reports extensively for the purpose of mitigation.

(xxi) Denials took far longer to be processed through the courts, and this was particularly significant for those whose cases were ultimately withdrawn or not proven.

(xxii) The major part of the court timetable was taken up with cases where there was no dispute of the facts, but where the only issue was the determination of outcome.

#### The Total Process

(xxiii) Within South Glamorgan, the liaison process which determined whether or not a juvenile was prosecuted was separate from the court process which determined outcome. No participant in the process monitored its collective effect, and individual parts of the process acted in ignorance, one of the other. The end result was a significant degree of unnecessary prosecution.

#### 5.6 Footnote to findings.

This study of the Juvenile Justice System in South Glamorgan, demonstrated that custody was generally reserved for those young people whose offending was at the most serious end of that which appeared before the juvenile court, although the limited effective replacement of custody by recognised alternatives

demonstrates that even more can be done. There appeared to be a belief that was shared both by the courts and the agencies, that custody was ineffective and should be used as little as possible. However, this study was limited to the operation of the Juvenile Justice System, and such a belief did not appear to be sustained, once juveniles crossed over into the adult system of the Magistrates and the Crown Court.

In 1987 there were 176 custodial sentences in the County's Magistrates Courts and 255 in the Cardiff Crown Court, imposed on 17-21 year olds. Alternatives to custody for this age group have been little developed in the area and there was evidence at the end of 1988 that the agencies were turning their thoughts to this age group.

How the findings included in this chapter relate to the Indicators is included in Chapter 7.

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11. see p.12. NACRO. Diverting Juveniles from Custody Findings from the Fourth Census of Projects Funded Under the DHSS IT Initiative. 1987.
12. see Parker H. et al. Receiving Juvenile Justice. Basil Blackwell. 1981.
13. see Thorpe et al. Out of Care. George Allen and Unwin. 1980.
14. see Richardson N. and Giller H. "Breaking with Tradition". Community Care. 11.6.87.

## CHAPTER 6

### SERVICES FOR DEVIANT YOUNG PEOPLE IN SOUTH GLAMORGAN

This chapter sets out to describe a population of young people who in the later part of 1986, in 1987, and in the early part of 1988 availed themselves of the services of those resources managed by South Glamorgan Social Services Department which were specifically targetted at those who faced custody or custodial care. It also looks at their performance over a period of one year and assesses the contribution made by each resource. As within the Justice system, a consideration of the findings in relation to the indicators is made in Chapter 7.

#### 6.1 The Placement Process.

Procedure for placement in a "Strategy" resource was as follows. Whenever a social worker or probation officer wished to refer a young person to a resource, he or she would approach the local Senior Practitioner. The SP would consider the referral according to the criteria for admission to each resource (relating to prospect of admission to custody or custodial care) and advise

accordingly. The fieldworker would then approach the resource.

It will be recalled from Chapter 4 that responsibility for coordination of placement rested in no single person except that when particularly difficult decisions had to be made, the Controller, as overall manager of the resources, would liaise with the resource heads to determine placement. At an informal level, the resource heads met with the Controller on a weekly basis to effect liaison and to promote on-going policy.

## 6.2 Usage of Strategy resources.

Within the "Strategy to Reduce the Crime Rate" adopted by South Glamorgan in 1983, the following resources were those specified in 1987 which, between them, would manage those young people who, under the previous regime, would have found themselves in the CHE system, and/or would be sentenced to custody.

Residential/Alternative to home facilities.

1. Sully. 12 places for boys.

Salisbury Rd. 7 places for both sexes.

Beechley Drive. 4 places for both sexes.

2. Community Parent Scheme. 24 places for both sexes.
3. Adolescent Complex. 12 places for both sexes.
4. Silverbrook. Out-county CHE for 7 girls.
5. Secure Care. Budget to buy out-county places.

Non-residential community support facilities.

1. Penhill. SAO programme and day-care.
2. Yniscedwyn. Day care and evening groups.
3. CSV. Volunteer placements.

This chapter therefore opens with a summary of the admissions and discharges to these resources for the year 1987.

Table 31

Admissions to residential resources within the South Glamorgan Strategy. 1987.

(i) Numbers, sex and where admitted from.

	Number admitted	Boys	Girls	Number admissions	Admitted from	
					Home	Residence
Sully	90	90	0	151	112	39
Salisbury Rd.	23	11	12	31	4	27
Beechley Drv.	9	4	5	9	2	7
Ad.Hostel	29	17	12	33	16*	17
Silverbrook	14	0	14	15	4	11
Comm. P'nts.	33	19	14	36	10	26

\* Home includes independent living.

(ii) Legal status on admission.

	Care Order(1)	Remand(2)	Vol.Care(3)	Other	Totals
Sully	13	84	38	16	151
Salisbury Rd.	13	0	16	2	31
Beechley Drv.	3	2	4	0	9
Ad.Hostel	12	3	16	2	33
Silverbrook	6	0	5	4	15
Comm. P'nts.	11	3	19	3	36

(1) Sections 1 or 3 1980 CCA. Section 7/7a 1969 CYPA

(2) Section 23. 1969 CYPA

(3) Section 2. 1980 CCA.

Table 32

Discharges from residential resources within the South Glamorgan Strategy. 1987.

	Number of discharges	Discharged to	
		Home	Residence
Sully	150	97	53
Salisbury Rd.	34	7	27
Beechley Drv.	12	5	7
Ad.Hostel	34	26*	8
Silverbrook	12	6	6
Comm. P'nts.	39	23*	16

\* Home includes independent living.

### Southleigh

#### The Sully Unit

In 1987, the Sully Unit was still operating in much the same way as it had done prior to the introduction of the Strategy in 1983. However because of the introduction of the Bail Act, stays on remand in Sully tended to be terminated not as in former days,

with a planned outcome in court at the end of a known period of remand, but on a granting of bail, following a short period of residence. Table 31 shows that admissions were extremely high, averaging three per week, and by far the majority were from home. Discharges home (Table 32) by far outnumbered discharges to elsewhere. Table 34 shows that stays were short. In addition to residential admissions, a few young people continued receiving day care at Sully, once they had been discharged elsewhere, but they are not included in these tables.

Table 33.

Sully. Number of times each boy admitted. 1987.

Admitted once	57
twice	15
three times	10
four times	4
five times	1
six times	1
seven times	1
Total	90

Table 34.

Sully. Lengths of stay. Discharges 1987.

Length	
1-7days	74
8-14days	11
15-28days	30
29-56days	21
57-84days	8
85+days	6
Total	150

Ninety different boys were admitted during the year on 151 occasions. Only a few boys made repeated admissions. The majority were admitted once, and that for a short period. Just under one half were admitted on remand under Section 23 of the 1969 CYPA. The remainder were either admitted from home under Section 2 of the 1980 CCA or on a "time out" basis from other alternative to home placements. Short unpredictable periods of stay made it difficult for staff to work constructively with young people who left the

establishment, almost as soon as they arrived, and high levels of occupancy and the resulting needs of the residential rota precluded staff from working flexibly outside of the institution. Sully was therefore functioning as a "clearing house" for many young people admitted from and discharged to home as well as as a crash-pad when others could not cope. Half of all stays lasted less than a week.

### Salisbury Road

Salisbury Rd admitted just 23 young people during 1987, 11 boys and 12 girls. Five young people were admitted twice and one young person, four times. There were therefore just 31 admissions to this seven bedded unit - an average of just over one per fortnight.

Table 35.  
Salisbury Rd. Lengths of stay. Discharges. 1987.

Length	
1-7days	8
8-14days	3
15-28days	3
29-56days	3
57-84days	9
85+days	8
Total	34

In contrast to Sully, stays were longer. Short stays tended to reflect time-out admissions and longer stays the preparation for Community Placement. Only four of the admissions were from home, the greater number coming from Sully (nine) and the Silverbrook CHE for girls (six). 13 of those admitted in 1987 were eventually placed with Community Parents.

### Beechley Drive

Beechley Drive admitted just nine young people in 1987 -



four boys and five girls. This unit was virtually the only unit within the County where young people were admitted without the pressure to move on. A number of its admissions served as 'time out' for the CP Scheme and young people were discharged variously back home, back to the CP Scheme and to independent living.

Table 36.

Beechley Drive. Lengths of stay. Discharges. 1987.

Length	
1-7days	1
8-14days	1
15-28days	1
29-56days	0
57-84days	0
85+days	9
Total	12

### The Adolescent Complex

The Hostel admitted just 29 young people during 1987. Of these, 17 were boys and 12 were girls. Two boys were admitted twice and one on three occasions. The majority of admissions were 16year olds. Not included here are details of those very many the Complex assisted in a variety of other forms of independent and semi-independent units and hostels via its community placement team. The criteria for admission to the complex were more wide-ranging than for other resources. The function of the complex was to provide assistance for the many 16+ year olds who, whilst not necessarily facing custody or custodial care, nevertheless found themselves estranged from their families.

Table 37.

Adolescent Hostel. Lengths of stay. Discharges. 1987

Length	
1-7days	6
8-14days	2
15-28days	5
29-56days	7
57-84days	8
85+days	6
Total	34

Lengths of stay were evenly spread. Emergency admissions were relatively rare and the shorter stays generally represented young people who decided for themselves to move on to independent living. Of the 33 admissions, 10 were from home, 14 from other forms of alternative to home care and six from independent living situations. The great majority of discharges were to independent living.

### Silverbrook

Silverbrook - the CHE which the county had decided to retain for girls - admitted 14 girls in 1987, one of them twice. 11 of the 15 admissions were from other forms of residential care, and eight of these from non-Strategy resources. It would appear that difficult behaviour with girls escalated them very quickly indeed up the 'welfare tariff'.

Table 38.

Silverbrook.	Lengths of stay.	Discharges. 1987.
	Length	
	1-7days	0
	8-14days	2
	15-28days	0
	29-56days	1
	57-84days	3
	85+days	6
	Total	12

Lengths of stay tended to be relatively long. This was to be expected since the ethos of the establishment was that of 'treatment' over a period of time. Half of the girls returned home on discharge, this despite the fact that only four of the admissions were from home. All of those who did not return home were eventually placed on the Community Placement Scheme.

## Community Placement Scheme

The CP Scheme was started in 1983 as the main 'alternative to home' provision, to replace out County CHEs. In 1987 it admitted 33 young people to the scheme - nineteen boys and 14 girls. Ten of these admissions were directly from home but these were mainly on a short term, emergency basis. Originally the scheme was not designed for emergency admission, but because of the pressure to take such young people, it was decided in late 1987 to separate off a number of Community Parents for this task alone. (The SAINTS Scheme) Admissions to the SAINTS scheme are not included here. Of the 23 admitted from other forms of residence, 13 were from Salisbury Rd. These admissions tended to be the longer stays.

Table 39.

Community Placement Scheme. Lengths of stay. Discharges. 1987.

Length	
1-7days	2
8-14days	5
15-28days	4
29-56days	2
57-84days	2
85+days	24
Total	39

As can be seen from Table 39, the CP Scheme generated a high percentage of long stays. Some of the stays within the 85+ days category were in excess of two years. A number of these relatively long stays took on the mantle of permanence and saw young people through from the age of 13/14 to semi-independence. The CP Scheme therefore provided the major alternative to home placement for young adolescents within the Department's Strategy.

## Non-Residential Support Services

Table 40

Support Resources. Numbers admitted and places of abode. 1987.					
	Admitted	Boys	Girls	Living at	
				Home/Ind	Alt.to home
Penhill SAO	21	20	1	18	3
" Welfare	27	27	0	18	9
Yniscedwyn 2 day	15 }				
" Work ex.	9 }	29	5	29	5
" Traff.Ed.	6 }				
" Girls Gp.	4 }				
CSV	23	7	16	9	14

## Penhill

Comment has already been included in Chapter 5 on the SAO Programme. This was specifically geared to the Juvenile Justice System and admissions only occurred subsequent to court appearances which it was considered likely would result in custodial sentences. 21 young people (20 boys and one girl were admitted to this programme in 1987.) Almost all were living at home at the commencement of the programme - just one was living independently and three were on the CP Scheme.

The Penhill Welfare Programme was based on a three day per week day care programme. This was offered to those with severe school attendance problems coupled with other problems in the home which rendered removal a distinct possibility. It concentrated on young people who had attained the age of 15. In 1987 the Welfare Programme admitted 27 young people. Two-thirds were living at home at the commencement of their programme.

## Yniscedwyn

Of the 34 young people admitted to Yniscedwyn during 1987, 29 were boys and 5 were girls. The project offered four programmes.

The first, a two day per week day-care programme operated on a split-week basis, the remaining three days being organised in partnership with the young persons school. Since its inception in 1978, the Project had specialised in the split-week principle and as a result had promoted some good relationships with the schools. Although there were some 16 year olds with the Project, there was an agreement with Penhill that Yniscedwyn concentrate on young people in their third and fourth year at school.

The second programme - Work Experience - was specifically for those in at least their last two terms of school, and forged links with local employers.

The Traffic Education Programme had been set up at the request of the magistrates, to address the problem of vehicle offending.

The Girls Group was set up as recognition of the special problems which girls faced in the Welfare system.

Like Penhill, most of those admitted to the programmes at Yniscedwyn were living at home.

#### Community Service Volunteers

More than any other support project, the organisers of the CSV Scheme emphasised the importance of the voluntary nature of their placements. The guiding principle of the scheme was that young people who had often been on the receiving end of care, be given the opportunity to help others. Placements varied from assisting in day-centres for the elderly and helping at playgroups, to working in a riding school. Two features distinguished the scheme from Penhill and Yniscedwyn. Whilst both of these schemes were for boys and girls, their ethos was certainly boy-orientated.

By contrast, of the 23 young people placed by CSV in 1987, 16 were girls. The second difference was CSVs greater emphasis on providing support for residential or CP placements. The IT origins of the other schemes had led them both to concentrate on supporting those at home. (See Table 40)

### 6.3 Pattern of Placements within Strategy resources. 1987.

This study makes no attempt to assess the place of fieldwork services as vested in the social worker. For all those young people who received services from the 'Strategy' resources, case accountability rested with the social workers (or Probation Officers) in the District Teams. The relationship between the fieldwork services and these specialised resources is worthy of a study in its own right.

The Strategy resources were broadly of two main types - those which provided alternatives to home (residence and community placement) and those which provided non-residential support services. The exception to this was the Adolescent Complex, where the hostel had working alongside it, a community team which supported young people in independent living. Within this context, Table 41 shows the numbers and percentages of young people in 1987 who participated in residential and support services and combinations of the two.

Table 41  
Participants in Strategy Resources. 1987.

	Residence alone.	Support alone.	Both res.and support.	Total
i. Boys.				
Nos.	68	27	40	135
(%)	50%	20%	30%	
ii. Girls				
Nos.	26	6	13	45
(%)	58%	13%	29%	

Table 41 shows that in the cases of both boys and girls, some 70% of participants in the resources received services from only one sector or the other. Half of all boys and more than half of all girls left home and were admitted to Strategy resources but received no support services, from within the Strategy, either whilst they were at home or once they had left home. The additional 8% of girls who received residential services alone is attributable almost entirely to their placement out-county in Silverbrook. The numbers who received residence alone is noteworthy in that many of the stays in residence were short, and therefore possibly avoidable.

Whilst it is clear that the support services concentrated by design or default, on providing support whilst young people were at home, (70% of all admissions - see Table 40), it is also clear that a considerable amount of costly residential resource was still tied up in providing residential care and was thus prevented from being released to support those young people at home. This conclusion is supported by the very short stays of many of those in residence and the very high number who returned home post placement. A great number of those placements were short-term placements at Sully. (39 of the 68 boys). And the majority of those (See Table 31.ii), were of boys remanded in care. There is a clear implication here that many of those placements were at least theoretically avoidable, and that any investigative monitoring of the use of Strategy resources should look carefully at this category of admissions.

Having considered the overall pattern of admissions to, and stays within the Strategy resources during 1987, the larger part of this Chapter considers the characteristics of and the outcomes for

the selected group of young people, over 12 month periods, as they utilised Strategy resources.

Although it was the intention to collect data on one hundred young people, difficulties in obtaining information from some social workers who left the Department during the periods of study, reduced the number of sets of full data to 84, and thus results are only included for those 84 cases. As explained in Chapter 4, the 12 month periods over which each young person was studied did not entirely coincide. The first of the 84 12 month periods was from September 1986 till August 1987, and the last was from July 1987 till June 1988. The criteria for inclusion in the group was that entry was made to one of the previously listed Strategy resources. Thus between September 1986 and July 1987, whenever a young person not previously in the group was admitted to a resource, they were included in the group. The exception to this was a new admission to Sully - these were not included unless it was known that their involvement in resources was to be more than for a period in excess of seven days. Inclusion of all new Sully admissions to the group would have resulted in many 12 month periods with little to report on.

#### 6.4 Characteristics of the Study Group.

The greater part of this Chapter is devoted to findings in relation to the 84 young people whose progress was monitored for twelve month periods between July 1986 and June 1987. These are collectively referred to as the "Study Group".

##### (i) Sex and Age

Of the 84 young people, 59 (70%) were boys and 25 (30%) were girls. This ratio is approximately equal to the boy/girl ratio



for total admissions to resources in 1987 ( 75%/25% - see Table 41) although <sup>it</sup> has fewer boys because of the omission from the group of one-time boy admissions to Sully. The average age of the group was just over 15, the girls being slightly older, on average, than the boys.

Table 42.  
Sexes and Ages of Study Group.

	12	13	14	15	16	17	Totals
Male	2	5	23	17	11	1	59
Female	0	2	7	11	5	0	25
Totals	2	7	30	28	16	1	84

### (ii) Legal Status

The legal status of each of the young people in the group was noted at the beginning of the 12 month periods. The legal status of many changed a number of times during the periods, especially when remands in care (Section 23 1969 CYPA) or voluntary admissions to care (Section 2 1980 CCA) occurred.

Table 43.  
Legal statuses of Study Group

	Care(1) (Crime)	Care(2) (Civil)	Care(3) (Vol)	Sup.(4) Order	Other	Totals
Male	8	6	16	28	1	59
Female	0	9	14	1	1	25
Totals	8	15	30	29	2	84

(1) Section 7/7a. 1969 CYPA

(2) Sections 1 or 3. 1980 CCA

(3) Section 2. 1980 CCA

(4) Section 7/7a. 1969 CYPA

The distribution of legal statuses reflects the greater involvement of the Study Group boys in the Justice System. As shown in Chapter 6, Criminal Care orders were rarely made in the county's courts and six of the eight 7/7a Care Orders relate to older boys in the group and were made several years previously. The 28 boy Supervision Orders relate largely to those included in the group

for initial admission to the two IT resources, both of which included a need for involvement in the Justice System in their respective admission criteria. Worthy of note is that none of the young people included in the Study Group were admitted to resources outside of a statutory framework. Nevertheless, the short nature of many admissions within that framework is possibly indicative of an inability of the system to prevent unnecessary admissions to care.

### (iii) Types of Home

The "type of home", (see Table 44) of each young person included in the Study Group, was noted at the beginning of each of the 12 month periods. Only if the placement away from the family was relatively permanent, was 'residential care', 'foster care' or 'community parents' recorded. If the young person was temporarily in one of these three resources, but in close contact with family or likely to return to family, then that "home type" was recorded.

Table 44.

Types of Home of Study Group.

	Males	Females	Totals
Residential Care	8	8	16
Foster Care	1	1	2
Community Parents	4	1	5
Both natural parents	8	5	13
Single Parent-Mum	22	4	26
Single Parent-Dad	3	0	3
Mum+Stepfather/Cohabitee	9	5	14
Dad+Stepmother/Cohabitee	1	0	1
Other Relative	2	1	3
Independent Living	1	0	1
Totals	59	25	84

Social Services are accustomed to providing their services to families experiencing difficulty and break-up. However it is still worthy of note that just 15% of the Study Group were living with both of their natural parents. It was noted that within the

majority of these, there were still very many family-based difficulties. Of note also is the relatively high proportion of girls in the Study Group who were in residential care and this again was reflected in the pattern for all admissions to the resources (See Table 41). Of particular note is the large proportion of boys where there was no father in the home.

These figures provide a snapshot of home situations at one point in time. Behind these figures, hides a complex network of family difficulties, many of which have developed and evolved over long periods of time and which particularly manifest themselves in aberrant behaviour at adolescence. The case histories of those in the residential care category, which form 19% of the Study Group, reveal a number with many admissions to care and repeated placements over many years. Permanence has by no means been achieved for them, despite their long histories of care. In addition, amongst the 44 young people who were living with just one parent, and the 15 who were living with one parent plus step-parent/cohabitee, were many where the family constitution, with marriages, re-marriages and cohabitees had changed many times, with consequential effect upon children.

#### (iv) Previous Intervention

An assessment was made of the history of previous Social Services intervention, for each young person at the point of inclusion in the Study Group. Major previous intervention was defined as 'repeated admissions to care over a period of at least five years, or some admissions to care with intensive fieldwork support over a period of at least five years'. Minor previous intervention was defined as 'some admissions to care during the previous five years but not of a major nature and not requiring

intensive fieldwork support'. Little or no previous intervention was defined as 'some previous contact with support services and/or fieldwork support, possibly an isolated admission to care or no previous intervention.' Within the criteria for admission to the Strategy resources one would therefore expect to see very few young people in the third category. Within these definitions, Table 45 shows that over 60% of the Study Group had experienced major previous intervention. For girls, this figure rises to 76% - higher for girls because of the inclusion in the group of delinquent boys without major previous intervention history but who nevertheless were very delinquent.

Table 45.  
Previous Intervention History.. Study Group.

	Boys	Girls	Totals
Major previous intervention	35	19	54
Minor previous intervention	23	5	28
Little or no previous intervention	1	1	2
Totals	59	25	84

Many of the young people in the Study Group had therefore experienced a considerable amount of previous intervention from Social Services and, although not measured here, from special services provided by the Education and Health Services.

#### 6.5 Areas of Concern at inclusion to the Study Group.

Assessments were made of the areas of concern at the point of admission to resources and hence inclusion in the Study Group, by the four Senior Practitioners responsible for gatekeeping admissions. These areas related to family situation, response to school or work, aberrant behaviour of a non-criminal nature, and delinquency. These assessments represent an appraisal of the contribution of each area of concern, to a decision to admit the

young person to the Strategy resource, by those who occupied a crucial role in the admission process.

#### 6.5.1 Assessment of Family Situation

Of the four areas of concern which were measured, Family Situation was the most difficult for the Practitioners to assess. What was assessed was not so much objective measures of family difficulty but the capacity of the family to sustain the young person without resort to statutory or other support services. Some young people who had learnt to live without much or any support from their immediate families, were not described as having family situations which presented the greatest concern, since they had learnt to sustain themselves without immediate family support. By contrast, other young people who remained in a family with both natural parents, were described as having family situations which caused great concern, since those families were unable, at this point in time, to sustain the young person. Table 46 shows the percentages of boys and girls with family situations at the five levels of concern. Table 47 relates these to the Types of Home described in Table 44.

Table 46.

Family Situations. Levels of Concern. Study Group.

	Male(%)	Female(%)
Not a problem [0]	8%	0
A problem, but not of major importance. [1]	12%	0
A significant, persistent problem. [2]	24%	16%
A considerable problem of major significance. [3]	46%	80%
An overwhelmingly significant problem. [4]	10%	4%
	N=59	N=25

Table 47

Levels of Concern for Family Situation related to Type of Home.

Type of Home	Level of Concern (See Table 46)				
	[0]	[1]	[2]	[3]	[4]
Residential Care	1	0	2	12	1
Foster Care	0	1	0	1	0
Community Parents	0	0	1	3	1
Both natural parents	0	2	2	9	0
Single Parent-Mum	4	2	8	10	2
Single Parent-Dad	0	0	1	2	0
Mum+Stepfather/Cohabitee	0	1	4	7	2
Dad+Stepmother/Cohabitee	0	0	0	1	0
Other Relative	0	1	0	2	0
Independent Living	0	0	0	0	1
Totals	5	7	18	47	7

Levels of concern for family situation were thus at least significant in all girl referrals and for 21 of the 25 girls were of major significance. 80% of all boys in the Study Group had family situations which were at least significant and persistent whilst six boys family situations were rated as of overwhelming significance.

#### 6.5.2 Assessment of response to schooling/work.

Almost all of the young people in the Study Group had had turbulent school careers - absenteeism and poor response at school. Many had been repeatedly suspended and excluded. Whilst it was not easy to measure, it is estimated that 20% of the Study Group were not on the roll of a school at the point of inclusion in the Group. For those older young people, poor schooling gave way to an inability to find regular and worthwhile employment. Those who had had little contact with school during their fourth and fifth years had rarely had formal contact with the Careers Service during that period.

The assessments made by the four Practitioners of the level of concern for poor school response, under-measure the actual levels of truancy and poor response, since for some older young

people, schooling had ceased to be an issue. Especially for 15 and 16 year olds, school non-attendance had been accepted as fact by the schools and the social workers and certainly by the young people and their families. School non-attendance, without accompanying concerns, was not a reason for admission to the resources.

Table 48.

Response to Schooling/Work. Levels of Concern. Study Group.

	Male(%)	Female(%)
Not a problem [0]	2%	12%
A problem, but not of major importance. [1]	20%	20%
A significant, persistent problem. [2]	31%	24%
A considerable problem of major significance. [3]	39%	44%
An overwhelmingly, significant problem. [4]	8%	0

Nevertheless, Table 48 shows that for almost half of the Study group, school-based problems were at least of major significance. For only three boys and one girl was schooling/work not a problem for concern. That school-based problems pervaded the Study Group is a most important observation. As already described, the resources which the Study Group were admitted to, served as a community-based alternative to placements in Custody and in CHes. Both forms of these placements had previously relieved Local Education Authorities of the task of providing education. The Strategy resources provided only limited day-care. Its educational content was extremely limited, estranged as the resources were from mainstream education. Since no formal consultations had taken place between Education and Social Services at the adoption of the Strategy, the Resources themselves had had to provide what education they could. ( It should however be noted that there were examples of excellent levels of cooperation between some resources and individual schools.)

Once again, whilst no measurement was made, it was noted that many of the Study Group had been subject to the statementing procedure provided by the 1981 Education Act. During the period of this study many of those found themselves placed in one special school in North Cardiff. These young people, who would undoubtedly have been previously placed in CHEs caused considerable problems for that school and the Social Services Department.

### 6.5.3 Assessment of individual non-criminal behavioural problems.

As well as family concerns and school response, a number of other concerns relating to individual aspects of behaviour were frequently mentioned in referrals to the resources. Delinquent behaviour is noted separately whilst other aspects of aberrant behaviour are noted here. Levels of overall concern for these aspects of behaviour were again noted and are shown in Table 49.

Table 49.

Individual non-criminal behaviour. Levels of Concern. Study Group.

	Male(%)	Female(%)
Not a problem [0]	12%	20%
A problem, but not of major importance. [1]	37%	20%
A significant, persistent problem. [2]	34%	32%
A considerable problem of major significance. [3]	12%	24%
An overwhelmingly, significant problem. [4]	5%	4%

Proportionately, non-criminal behavioural problems were of greater concern with girls than with boys, although overall such concerns were not as great as the other three areas of assessment. For just 17% of boys and 28% of girls, these concerns featured as of major significance in relation to the referral.

Six aspects of such behaviour were noted and measured for each referral. Table 50 shows the prevalence of concern for each form of behaviour.



Table 50.

Prevalence of individual behaviour problems. Study Group.

Figures in %.

		Not a feature	A feature	Major feature
Aggression/Violence	M	56	36	8
	F	48	40	12
Sexual Misbehaviour	M	86	7	7
	F	40	36	24
Drugs/Solvent abuse	M	64	22	14
	F	76	24	0
Alcohol related behaviour	M	78	19	3
	F	80	20	0
Self-abuse	M	90	10	0
	F	88	8	4
Other maladaptive behaviour	M	46	41	13
	F	40	48	12

M=Males(%) F=Females(%)

Once again it should be noted that these measures do not necessarily record the incidence of such behaviour but rather the level of concern which such behaviour generated. Of note is the concern for violent behaviour in girls which exceeded that for boys. Concern for sexual misbehaviour was expressed in 60% of girls but in just 14% of boys. Such concern related not to levels of promiscuity but rather to an evaluation of the 'moral danger' which the young person was placing him or herself in as a result of behaviour. There was a clear gender difference in the appraisal of moral danger between boys and girls. For girls this related generally to promiscuity in younger girls especially when adult men were concerned. For boys it related more to homosexuality with older men. Drugs/solvent abuse (the latter) were a major feature for eight boys. It is known that drunkenness featured more than is suggested in the table. However it did not seem to generate great concern. 'Other maladaptive behaviour' is a descriptive generic term for an assortment of other behaviours or conditions - hyperactivity, moodiness, non-cooperation, depression etc. all of

which were mentioned. Perhaps surprisingly, they featured as much for boys as for girls - the image of the disturbed, irrational girl and the otherwise well-adjusted, delinquent boy is not borne out by these findings.

#### 6.5.4 Overview of 'care and control' assessments.

The three areas of assessment - family situation, response to schooling, and individual non-criminal behaviours are the areas in which Social Services Departments have a responsibility for providing what is often termed 'care and control'. This study shows that with a few exceptions, the main one being the concern for moral danger, the areas of concern are very similar for boys as they are for girls. A further difference, which was not measured in this study, but which became clearer during the study, was the incidence of sexual-abuse which girls particularly had experienced within their families and which is hidden within the returns relating to family concerns. Overlaying the concerns in these three areas however, is the delinquency factor, which is assessed in the next section, and which relates largely to boys (with a few notable exceptions).

Before proceeding however, it is worth looking at the cumulative effect these three areas of concern had. It is difficult to devise a quantitative measure. the three cannot be assigned numbers which can then be added. However it was noted that the concern for the family situation was at the root of most overall concern. Table 51 therefore looks at the levels of concern for schooling and other non-criminal behaviour and relates these to levels of concern for the family situation.

To simplify the matter somewhat, levels of concern in each

area [0] and [1], and, [3] and [4] are amalgamated. There are thus just three levels - [0+1], [2] and [3+4].

Table 51

Levels of Concern for Schooling and for Non-criminal Behaviour related to Concern for the Family Situation.

(i) Family Situation. Concern Level [0+1]

Concern for Non-Criminal Behaviour

[0+1] [2] [3+4]

Concern for  
Schooling

[0+1]	3	0	0	
[2]	4	1	0	Total=12
[3+4]	3	0	1	

(ii) Family Situation. Concern Level [2]

Concern for Non-Criminal Behaviour

[0+1] [2] [3+4]

Concern for  
Schooling

[0+1]	4	1	0	
[2]	4	3	0	Total=18
[3+4]	4	1	1	

(iii) Family Situation. Concern Level [3+4]

Concern for Non-Criminal Behaviour

[0+1] [2] [3+4]

Concern for  
Schooling

[0+1]	6	5	2	
[2]	3	8	1	Total=54
[3+4]	8	9	12	

Interpretation of Table 51 is very dependent upon an assessment of the weight attributed to each area of concern in determining risk. It is probably best not to take this rather crude analysis too far, except to say that the 12 young people enumerated in the bottom right-hand box of Table 51 must represent a group for whom there was the greatest concern. For they were assessed as having problems of at least major concern in all three areas being measured. These twelve young people consisted of 5 girls and 7 boys. The girls are thus over-represented in this sub-group. They will be referred to later in the chapter as the 'Top Risk Group'.

#### 6.5.5 Assessment of Concerns for Delinquent Behaviour and involvement in the Juvenile Justice System. Study Group.

Delinquency as an area for concern is now dealt with separately from other aspects of behaviour. There are two reasons for this. The first is that those young people in the Study Group who also exhibited delinquent behaviour came within the purview of decisions made by those other than Social Services - i.e. the Police, the Crown Prosecution Service and the Courts. The second is that hard data were available for this fourth area of concern, which was not available in the three other areas - i.e. records of previous court appearances.

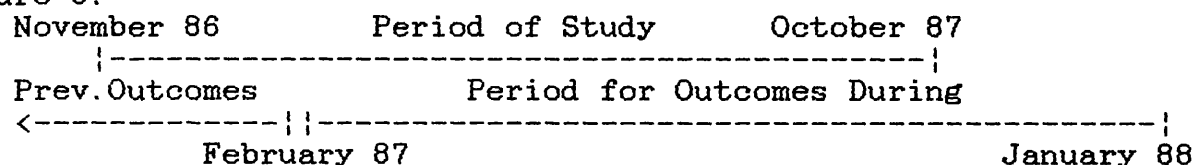
The performance of those young people in the Study Group, who were also embroiled in the local Juvenile Justice System must be viewed within the context of the operation of that system as described in Chapter 5.

Actual levels of participation in delinquent activity are notoriously difficult to assess, since so much criminal activity goes unreported and certainly undetected. No attempt is made in this study to assess actual levels of delinquency in the Study Group. What is measured is the participation by the Group in the Juvenile Justice System.

For each young person in the Study, two measures were taken at the beginning of the 12 month periods of study. Both the number of previous court outcomes and the highest tariff disposal were noted. Both these measures need some qualification. Numbers of young people had court appearances pending at the point of inclusion in the Study Group - hence the reason for a number of them being referred to resources. Since court outcomes took some time to materialise, it was decided to include any court outcome

which took place within three months of the point of inclusion in the Study Group, as having taken place prior to inclusion. In consequence the measure of court outcomes taking place during the 12 month period of inclusion was taken from a point of time three months from the date of inclusion to a point three months after the end of the 12 month period. By way of illustration, an example is given in Figure 6.

Figure 6.



In measuring the highest tariff outcomes, the five bands of outcome adopted in Figure 5 Chapter 5 (Page 20) were again utilised, excepting that Supervision and Supervision+ were separated. These were:-

- None (0)
- Discharges and Fines (Band [A])
- Attendance Centre (Band [B])
- Supervision Order (Band [C])
- S.O.+IT. Sp.Act.Order. Comm.Serv.Orders(Band [D])
- Custody (Band [E])

Table 52.  
Number of Previous Outcomes. Study Group

Outcomes	Boys	Girls
0	8	21
1	4	1
2	3	2
3	13	1
4	14	0
5+	17	0
Totals	59	25

Table 53.

Highest Previous Tariff Band. Study Group.

Tariff band	Boys	Girls	
O	8	21	(None)
A	6	2	(Discharges/Fines)
B	2	0	(Attendance Centre)
C	19	1	(Supervision)
D	12	0	(ITOs, SAOs, CSOs)
E	12	1	Custody

Table 54.

Previous Outcomes and Highest Tariff Outcome at point of inclusion in the Study Group.

Number of prev. outs.	Highest tariff outcome					
	O	A	B	C	D	E
0	29	0	0	0	0	0
1	0	2	0	1	1	1
2	0	2	0	2	1	1
3	0	4	0	7	2	1
4	0	0	0	7	4	3
5+	0	0	2	3	5	7

These three tables show a number of facets of those young people in the Study Group who were also involved in delinquent activity. Firstly, as expected, involvement in the Juvenile Justice System was largely confined to boys. Only four of the 25 girls had appeared in Court compared with all but eight of the boys. Of the boys who had appeared, the average number of previous court appearances was something over four. So apart from a few other boys, the Strategy Resources were certainly admitting "up-tariff" boys and were admitting few low tariff boys. On the other hand, in Chapter 5, it was noted that in 1987 about a hundred outcomes were for boys with 5+ court appearances (probably representing about 40 individual boys) so by no means all "up-tariff" offenders 'benefitted' from resource intervention from Social Services.

Additionally, a fifth of all boys had experienced custody and a further fifth faced the prospect of custody, having received the recognised alternatives. On the other hand we know from the number receiving custody in 1987 (see Chapter 5) that not all of

those receiving custody can have 'benefitted' from the attention of Social Services resources.

Half of the 55 young people who had appeared in court had got to the point of receiving custody or one of its recognised alternatives and of this 26, 19 had not done so until at least their fourth court appearance, so there was no evidence that young people had received early custody sentences.

A rather surprising finding is that 20 of the Study Group had previously only a simple Supervision Order. Since all but 10 of the Group were Social Services referrals and only 18 Supervision Orders were made in 1987 to Social Services, one must conclude that few Supervision Orders to Social Services were being undertaken without utilising Strategy resources - a feature of some concern.

In addition to this data on the involvement in the Juvenile Justice System of the Study Group, the Senior Practitioners also gave their assessment as to the degree of concern which each young person gave in relation to their delinquent activities, at the point of inclusion in the Study Group. Once again, concern was measured at one of five levels.

Table 55.  
Delinquency. Levels of Concern. Study Group.

	Males	Females
Not a problem [0]	7%	84%
A problem, but not of major importance. [1]	13%	8%
A significant, persistent problem. [2]	39%	4%
A considerable problem of major significance. [3]	36%	4%
An overwhelmingly, significant problem. [4]	5%	0
	N=59	N=25

So clearly, many of the boys in the Study Group were involved in delinquent activity and in the Juvenile Justice system to a degree which gave cause for great concern. Whilst this concern was related to the number of court outcomes and the position in the

sentencing tariff, it became clear in discussion with the Senior Practitioners that seriousness of and attitude to delinquency, as well as current response were also contributory factors in their assessments.

In summary, in terms of levels of concern, the family situation, and the stability or lack of stability it afforded the young person, was the key area of concern for those referring young people to the specialist resources within the Strategy. This concern was a feature in both boys and girls, but was a particular factor in girls. Schooling was an important area of concern, particularly in the younger referrals, and was as prevalent for girls as it was for boys. In terms of non-criminal behaviour, there were important differences between the sexes, as to the degree of sexual risk the respective sexes faced. However generally, maladaptive behaviour including the variety of personality disorders was equally prevalent in boys and girls. Delinquency, as expected, was largely a male concern.

#### 6.6 Involvement of the Study Group in the Strategy Resources.

During the course of the research, it became clear that a misconception was held by many fieldworkers as to the nature of Strategy intervention. It was common to assume that once a young person had entered a resource, then from that point onward, he or she would receive constant attention from that resource or alternatively would be passed on to a further resource within the Strategy. This was not the case. As seen in the tables at the beginning of this chapter, many admissions were short-term and time-limited. To illustrate this fact, the periods of time which the 84 young people in the Study Group received support from the



residential and the support resources were measured during the 12month periods.

Table 56.

Periods of intervention during 12months. Study Group.

Support resources	Residential resources				Totals
	None	Up to 4m.	5m-8m.	9m-12m.	
None	0	3	6	14	23
Up to 4m.	2	11	5	5	23
5m-8m.	15	15	4	6	30
9m-12m.	2	2	1	3	8
Totals	19	21	16	28	84

Thus 28 young people received residential resources (including Community Placement) and just eight young people received support resources for more than eight months during the 12 month periods. On average, each young person received support for just over half of the 12month period which means that for the remainder, they received no specialist support except that given by the fieldworker accountable for the case. This level of intervention is considerably less than that of the CHE System which these resources replaced.

Table 57

Participation in resources during 12month periods. Study Group.

Residence alone.	Support alone.	Residence and support.
19 (23%)	23 (27%)	42 (50%)

Of the 84 in the Study Group, half received the services of both the residential and the support services during the 12month periods. This figure is considerably higher than for all admissions in 1987 (Table 41) and results from the decision to exclude from the Study Group, one-time short term admissions to Sully. (See Chapter 4)

### 6.7.1 Performance of the Strategy Resources in relation to the Study Group.

As well as the overall performance of each member of the Study Group, (which will be reported on in the next section) the performances of the individual resources, in relation to the Study Group, were measured. Both the fieldworkers and the resources themselves were independently asked to rate the effect of intervention at one of four levels viz. No effect. Some effect. A marked effect. A major effect. This effect was to take into account modification of behaviour as well as enhancement of stability in the community. Admissions to resources for less than a period of a week, were excluded for the purposes of this assessment. Table 58 quantifies those assessments.

Table 58.  
Fieldworkers and resources assessments of effectiveness of resource interventions.

	No effect		Some effect		Marked effect		Major effect		Totals
	F	R	F	R	F	R	F	R	
Sully	7	7	10	8	3	5	2	2	22
Salisbury Rd.	1	4	8	8	6	3	1	1	16
Beechley Drive	2	3	1	1	3	2	1	1	7
Silverbrook	1	*	5	*	3	*	1	*	10
Community Parents	3	4	11	17	10	7	10	6	34
Hostel	3	3	2	1	1	1	1	2	7
Penhill SAO	5	8	3	1	3	3	1	0	12
Penhill Welfare	6	10	8	4	0	1	2	1	16
Yniscedwyn	6	6	11	11	5	7	3	1	25
C.S.V.	5	4	7	7	3	4	1	1	16
Totals	39	49*	66	58*	38	33*	23	15*	165

\*Silverbrook not available

F=Fieldworker assessment R=Resource assessment

The first point worthy of comment in Table 58, is the comparative unanimity between fieldworkers and the resources own assessments of effectiveness. If anything the resources were less optimistic about their own efforts than were the fieldworkers who

had referred the young people. To a degree this validates the assessments.

A second point is that neither fieldworkers nor the resources seemed to be under any illusion about the potential of intervention. Between 25% and 30% of all interventions were rated as having no effect and only between 10% and 14% were rated as having major effect.

In addition, further analysis showed that there was not necessarily a link between perceived effectiveness and intensity of intervention, (measured here by length of period) except, importantly, in the case of Community Placement. Thus some relatively brief interventions were seen as more effective than those which took place over much longer periods. It is therefore possible that a number of the very brief interventions by Sully, which were excluded from this assessment, were in fact relatively effective.

Despite the rather crude data which this measure of effectiveness is based upon, some very clear patterns emerge.

The first is the way the Community Placement Scheme is seen as having a very beneficial effect - in modifying behaviour but especially in enhancing stability. This is an extremely important finding and prompts a need for more detailed research as to what it is within the scheme which particularly gives it such success. Two further observations can however be made. Firstly the longer placements were generally the most effective - so whilst the CP scheme was intended to provide transitional care, it was working at its most effective when it was providing a semblance of permanence. Secondly, discussion with those responsible for promoting the scheme, coupled with a more detailed examination of the placements,

revealed that whilst young people in the CP Scheme remained in the community, they rarely remained in their own community. i.e. Their placements were not located in the same areas as their own families. Thus whilst continuing links with family were often encouraged, links with former schools and peer groups were severed.

Coupled with the CP Scheme, was the relatively positive effect the Salisbury Rd. unit was perceived to have had. This was the unit which at the time was specialising in preparing young people for Community placement. However it should be noted that the Silverbrook CHE, which generally accepted girls whom neither Salisbury Rd. nor any other residential unit could manage, also achieved effective levels of stability in some, in readiness for eventual Community placement.

Compared with the assessment of the effectiveness of the 'alternative to home resources', the non-residential support services were seen to have relatively less effect. Of the 69 admissions from the Study Group, over a third were perceived as having no effect and between 4% and 10% as having a major effect. It is possible but unlikely that these services were operated by workers who were relatively inept compared with their counterparts in the other sector. However it is also possible that the weight of family-based problems was so acute, that fieldworkers perceived that only severance or partial severance from those family situations which had been the source of their instability, and a period of supportive help outside of their family, was likely to enable them to achieve a measure of stable independence.

#### 6.7.2 Adequacy of the Resources.

In addition to commenting upon the effectiveness of

individual resources, fieldworkers were also asked to give their assessment of the overall adequacy of resource provision for each young person in the Study Group. This question proved to be a difficult one, for whilst resource provision was deemed inadequate where young people had failed to respond, there was a difficulty in prescribing how individual resources could respond more adequately. Responses on the question of adequacy are contained in Table 59.

Table 59.

Fieldwork assessments of adequacy of resource provision.

Resources totally inadequate to meet overall needs	3
Somewhat inadequate. Insufficient suitable resources	32
Resources adequate	36
Resources very satisfactory	13
Total	84

In their comments, fieldworkers especially mentioned the excellence of the Community Placement scheme, though the residential resources and the support services were also mentioned (less frequently) in a favourable light. However as well as indicating which resources were particularly helpful, fieldworkers also pinpointed areas of inadequacy in overall provision. (as opposed to inadequacy in individual resources. Examples are given.

Although there were certainly examples of schools which had cooperated fully in providing a helpful and flexible approach to young people, a recurrent theme was the inability of the agencies to provide suitable schooling, especially for the younger adolescents.

"C. was suspended from school and it became impossible to negotiate a satisfactory solution."

"L. would not attend school and would have benefitted if 5-day care could have been provided. It was difficult for the CPs to sustain her without day-care."

"M's history of schooling was extremely poor and contributed greatly to his other problems. Local informal schooling would have helped enormously."

Gatekeeping of the resources attempted to ensure that only those who would otherwise have faced custody or custodial care were admitted. This caused some frustration for those whose young people had assessed needs but who had not (yet?) reached that point.

"IT was not provided on a preventative basis. P. had to get worse to gain a place."

"L. was finally given a Community Parent placement when his behaviour had deteriorated dramatically. He should have obtained a place earlier."

Some fieldworkers identified a yawning gap between the level of support and supervision received from a Community Parent or a hostel, and that received in forms of independent living.

"A larger pool of friendly lodgings is required."

"More semi-independent units are required with staff available for part of the day. At present fully-staffed hostels and the support for young people in bedsits are poles apart."

An interesting criticism related to the separation of the fieldwork services and the specialist resources. The separation of support given to the family (by the fieldworker) and action with the young person (by the resource), was seen as unhelpful.

"Family casework needs to be complementary to work with young people. There needs to be a fusion of the work."

There was also some exasperation expressed at those young people who were felt to be unable to respond to any initiative

taken. There is no secure accommodation in South Glamorgan, and on rare occasions it was felt to be necessary to provide a temporary breathing space for those 'hell-bent' on their own destruction.

"A short-term secure setting is needed"

"R. was crying out to be controlled. He was unable, at his point of crisis, to respond to any of the available resources."

Others were more philosophical.

"I felt the resources were more than adequate. Obviously, T. disagreed."

#### 6.8.1 Performance of the Study Group.

Because of the limited time available for the research, performance of young people in the Study Group was limited to a period of 12 months in each case. It is important to realise that these 12month periods do not represent interventions which follow pre-intervention periods and which precede post-intervention periods, as would be the case in a classic outcome study. As shown at the beginning of the chapter, most of the young people in the Study Group had had much residential and community-based intervention prior to the period of study, and many remained the subject of intervention at the end of their 12month period.

As shown earlier in the chapter, the dispositions of those in the Group were demonstrated by describing a number of their characteristics together with levels of concern assessed by four Senior Practitioners in relation to four aspects of behaviour.

As described in Chapter 4, the performance of the young people was measured in a number of ways.

Firstly, in relation to delinquency alone, two measures involving hard-data were taken. (i) the number of court outcomes during the 12month period, in relation to the number of previous outcomes, and (ii) the position on the sentencing tariff at the end of the 12month periods compared with the position at the beginning.

Secondly, in relation to delinquent behaviour plus school response plus other forms of maladaptive behaviour which interrelate, data were collected from fieldworkers who were asked to assess the overall level of behavioural problems at the end of the 12month periods and also whether or not these had increased or diminished over the year.

Thirdly, in terms of the family situation and its relationship with overall behaviour, fieldworkers were asked to assess the overall stability of the young person in the community at the end of the 12month period.

#### 6.8.2 Performance of the Study Group in relation to Delinquency.

It will be recalled that in the preceding chapter it was shown that once a young person had been prosecuted in court, it was almost certain that if he re-offended he would once again be prosecuted, no matter how minor that offence might be.

Within the Study Group, those who had previously appeared in court, had an average of four previous court outcomes. It is therefore certain that if they reoffended and were caught, they would be prosecuted.

The 84 young people in the Group received a total of 88 court outcomes during the period of study. Some had as many as three outcomes and one had four. Table 60 demonstrates.



Table 60 .

Number of Court Outcomes for the Study Group during 12month period of study.

No of outcomes	Boys	Girls	Totals
0	12	21	33
1	22	4	26
2	14	0	14
3	10	0	10
4	1	0	1
Totals	59	25	84

Individual outcomes often mask a number of separate offences, and it can therefore be deduced that those with offending histories generally continued to offend during the study period. Table 61 shows the number of outcomes in relation to previous outcomes.

Table 61.

Court outcomes during period of study in relation to previous outcomes.

## (i) Boys

Outcomes during.

	Previous outcomes						Totals
	0	1	2	3	4	5+	
0	5	2	1	1	2	1	12
1	2	0	1	5	6	8	22
2	0	1	1	3	4	5	14
3	1	1	0	3	2	3	10
4	0	0	0	1	0	0	1
Totals	8	4	3	13	14	17	59

## (ii) Girls

Outcomes during

	Previous outcomes				Totals
	0	1	2	3	
0	21	0	0	0	21
1	0	1	2	1	4
Totals	21	1	2	1	25

A number of points emerge. Of the eight boys without previous outcomes, five remained without court outcome at the end of the year and three appeared in Court (one on three occasions). Of the 21 girls, all remained without a court appearance.

Of the 51 boys with previous outcomes, all but seven reappeared in court during the year, 20 on just one occasion and the rest on two or more occasions. Of the four girls with previous

court outcomes, all reappeared in court during the year.

Those boys in the Study Group who were offenders, had generally had substantial previous court histories. These boys in particular continued to appear in court frequently. 17 boys in the Study Group had had five or more previous court outcomes and all but one of these appeared in court again during the year.

Because of the policy of almost always prosecuting those who had previously been prosecuted it is not possible to deduce from Table 61 whether or not the re-offending was more or less serious than previous offending. But a clue to this may be found by looking at the position in the sentencing tariff at the end of the year and comparing it with the position at the beginning of the year. Clearly those who had received custody prior to the period of study could not subsequently receive an increased tariff sentence on this measure and they are therefore excluded from Table 62 but are considered separately.

Table 62 indicates the initial and final tariff positions of the Study Group. 50 of the 71 remained at the same tariff level - 30% had therefore been sentenced 'up-tariff'. However this statistic is misleading in that the total included the many girls without any offending history either at the beginning or end of the periods of study. If all those with no previous offending history are excluded from the total, then 27 of the 42 remained at the same tariff level, despite most of them appearing in court during the year. On this measure, those sentenced 'up-tariff' during the year constituted 41%.

Table 62

Initial and final tariff positions. Study Group.

Tariff position	No initially at this position	No finally	No 'up-tariffed'
0	29	26	3 [2-CD/Fine.1-AC]
Cond.Disch./Fine	8	3	5 [3-AC.2-custody]
Att.Centre.	2	1	1 [Sup.Order]
Supervision Order	20	14	6 [1-Sup.Or+5-cus]
Sup Order +	12	7	5 [5-custody]
Care(77a)/Custody	13	13	-

A few of those not receiving 'up-tariff' sentences made no appearance in court during the year and an unknown number of those who did appear, did so for offences which were too trivial, despite their previous records, for an 'up-tariff' sentence. There are a number of other aspects of Table 62 worthy of note. Of the six sentenced 'up-tariff' during the year, who started with a Supervision Order, five received a custodial sentence, without benefit of an SAO or a CSO. In addition, two of those who started at the CD/Fine level, received custodial sentences during the year. These seven cases formed a group whose delinquency had escalated them up through the court tariff most dramatically.

If one examines the 13 cases who began the year at the top tariff level -Care/Custody, eight were in fact 7/7a Care Orders and five were Custody. Of the eight Care cases, five received court outcomes during the year, but only one received custody. (Youth Custody). Of the five Custody cases, (all DC), all five received outcomes during the year of whom four received custody. (4m, 6m, and 12m YC and 30m Detention). Thus five of the 13 initial Care/Custody cases received 'up-tariff' sentences, although this included only one of the eight Care cases and four of the five Custody cases.

As demonstrated in Chapter 5, once a young person had received a custodial sentence, it became difficult to persuade the

court to give a subsequent non-custodial sentence. However within this small sample, a previous 7/7a Care Order did not seem necessarily to invoke a subsequent custodial sentence. These numbers are small, and do not take into account the nature of the subsequent re-offending, but nevertheless there is nothing here to support Thorpe's earlier conclusion that 7/7a Care Orders were necessarily an 'up-tariffing' mechanism.

### 6.8.3 Overall Performance of the Study Group.

In order to assess the overall performance of the Study Group, we turn now to the data which fieldworkers provided. This was provided not by the Senior Practitioners who had provided the initial assessments of levels of concern, but by the fieldworkers who held case accountability. This was necessary because, whilst the Senior Practitioners gate-kept entry to the system, they had no locus for on-going monitoring. This process necessitated a larger number of people making the assessments and a possible lack of comparability. Nevertheless the Senior Practitioners themselves were the accountable fieldworkers for 25 of the 84 young people in the Study Group and every effort was made to check the assessments against the known facts and to invite the occasional re-assessment when there was an obvious discrepancy.

Fortunately the time of the Study coincided with a period of relative stability of social workers in South Glamorgan, with two-thirds of the fieldworkers providing assessments having held case accountability throughout the year.

Workers were asked to give their appraisals of the Group, at the end of the 12month periods, on two rating scales. The first dual scale asked for the overall level of behavioural problems

which were being manifested at the end of the period, including delinquent behaviour, and also whether or not that overall level of problems had diminished, increased or remained the same. The second asked for a rating of young peoples level of stability in the community, this level relating behaviour to the context of the young persons living situation, be it family, residential care, community parent, or independent living.

Table 63 shows the overall level of behavioural problems.

Table 63.

Overall level of Behavioural Problems at the end of the 12month periods. Study Group.

Level	No.	M	F
1.Behaviour not causing any concern.	8	6	2
2.Behaviour problematic on occasions but not causing undue concern.	27	17	10
3.Behaviour problems of persistence causing some concern	23	15	8
4.Constant behavioural problems causing major concern	16	13	3
5.Behavioural problems of a most serious nature. Beyond control.	10	8	2
Totals	84	59	25

It can thus be seen that whilst behavioural problems had by no means disappeared, they were certainly being managed. Just 10 young people were described as being 'beyond control'. This is a particularly small number if compared with the overall levels of initial concern as shown in Table 51 and Table 55. This must be indicative of a major shift of view over the years, since the greater number of those previously placed in CHEs were perceived by fieldworkers as being 'beyond control'.

In terms of comparison, fieldworkers were additionally asked whether they considered these levels had increased or diminished during the 12month periods. Table 64 enumerates the responses.

Table 64

Assessments of increase or decrease in behavioural problems of Study Group during the 12month periods.

Behavioural problems	No.	M	F
Diminished considerably	17	10	7
Diminished	31	18	13
Remained the same	19	15	4
Increased	15	14	1
Increased considerably	2	2	0
Total	84		

Once again it should be emphasised that Table 64 is strictly a measure of fieldworker perceptions. Nevertheless it represents an overall positive view of how a group of young people who both had difficulties, and were presenting difficulties, were performing. The overall picture is very much weighted at the favourable end with over half having improved and just 17 having deteriorated.

In addition to these ratings, fieldworkers were invited to offer written comment to support their assessments. Extensive comment was offered which puts flesh on the statistical analysis.

A key factor in those whose overall problems had diminished considerably was the Community Placement Scheme. However support services also made a contribution. Three quotations from fieldworkers illustrate :-

"M's performance has been excellent. Community Placement combined with CSV has been of great help to him. He is now successfully on a YTS."

"Since placement with Community Parents, S. is much more willing to communicate at all levels. A dramatic change is apparent. Much more confident and happy."

"Greatly supported by Ynisedwyn, P. now responds well to a one to one situation."

For those who were assessed as presenting problems which had partially diminished, the Community Placement Scheme, as well as in some cases, support services, had also played a key part :-

"The diminishing behavioural problems have been due to the professionalism and expertise of the Community Parents."

"The Community Parents have had a considerable effect on A's behaviour."

"T's attendance at Yniscedwyn and Penhill has had the effect of bringing some structure and stability to what was a rapidly deteriorating situation."

"Case off-listed after successful attendance at the Work-Experience Scheme."

Even where problems had not disappeared, there was often a view expressed, that they had been contained.

"Whilst with the Community Parents, he is not a problem."

"J. is still depressed and insecure. The real change has been in the supportive network surrounding her."

However the capacity for positive intervention was, in a number of cases limited. One fieldworker who gave a 'no change' rating, commented as follows :-

"Deviant behaviour, reinforced by the values held by the family has allowed little space for any intervention to change the prevailing culture. L. lives at home, has continued to offend and nobody has persuaded him to desist."

The view that problems were felt to have increased, was often expressed where Community Placement had either not been offered or had been refused by the young person and/or his family. Four further comments illustrate :-

"C. has little family support but refuses Community Placement. Any changes achieved by resources have proved to be transitory."

"D's problems are rooted in the family and are of longstanding. He is not ready for a Community Placement referral, and his age now makes him even less manageable."

"Behaviour at home got to the point when he was thrown out. Offending has continued unabated."

"The family will not consider a placement away from them. A peak of offending was reached in December, but since a remand at Sully and a Specified Activity Order from Penhill he appears to have settled a little."

For just two young people (both boys) problems were felt to have increased considerably. One such case was a 16year old boy whose parents had parted, who had been physically abused and whose mother had a new partner. R. reacted, and despite being able to relate to Community Parents, he persisted in stealing a large number of cars and driving dangerously. His social worker commented :-

"R. was unable to respond to any community-based initiatives. Persistent car stealing, prompted by a disastrous family situation has resulted in a Youth Custody sentence."

Very much related to the assessment of overall behavioural problems, was the appraisal of the young persons degree of stability in the community. Fieldworkers were somewhat reluctant to pass judgement, since there were many instances of apparent stability quickly crumbling. Stability was apparently hard fought for but quickly lost. Notwithstanding this factor, considering admission to the Study Group was in all cases prompted by referral to a specialised resource at a point when, for the variety of familial and behavioural factors already catalogued, stability was threatened, a surprisingly large number had achieved measures of stability at the end of the 12month periods. Table 65 shows fieldworkers assessments.



Table 65.

Fieldworkers assessments of stability at the end of the 12month periods.

Level of Stability	No.	M	F
1. Stable.No real risk of custody or custodial care .	8	3	5
2. Stable, but with occasional problems.	18	12	6
3. Surviving but with problems sometimes threatening stability.	31	20	11
4. Precarious existence with many problems often threatening stability. A risk of custody/custodial care.	17	15	2
5. Breakdown in the community. In custody/custodial care.	10	9	1
Totals	84	59	25

Just over a third of cases were described at the 'surviving' level with somewhat under a third 'better than' surviving and a further third where stability was either precarious or had broken down. Once again, fieldworker comments illustrate.

Within the group at levels (1) or (2) were examples of those whose immediate family remained or had become a source of support.

"S. is well supported by family. Major problems relating to school have now gone as he has left school."

"C. is very settled now at home. School is the only real problem."

Additionally, there were those for whom the Community Placement scheme had achieved considerable stability, either in tandem with the family home or by severing links with home.

"M. continues with his Community Parents. At the beginning of the year the psychiatrist felt he needed secure accommodation and was prepared to sign an order under the Mental Health Act. He has since made remarkable progress.

"R. now has no contact with her natural family and has settled very much with her Community Parents."

And some had successfully achieved independence.

"Since D. left the Hostel, he has gradually increased his ability to live independently."

And there were those for whom the support services had contributed toward stability.

"S. received a great deal of support from CSV and this was very important to her"

Where stability was assessed at the 'surviving' level (level 3), there was a recognition that despite intensive effort, behavioural problems continued to threaten that stability. Three quotations illustrate :-

"Despite positive experiences with the Community Parents, the underlying difficulties and influences have not changed to any degree."

"P. continues to present the same problems identified at initial referral, although his parents reaction is now one of acceptance and tolerance."

"Community Placement has offered a lot but D. is still attracted by influences in the community which are threatening his stability."

17 young people were assessed at levels of stability described as precarious. (Level 4) A number of these were older adolescents, struggling with independent living. Some of these had benefitted from Community Placement, but could now not cope on their own. Few had the benefit of family support. Once again, three sets of comments illustrate :-

"K. is now living in a bedsit with Community Team input. She is unrealistic and work is an uphill task."

"C. is living in lodgings but continues to shoplift, is promiscuous, and does not attend work."

"E. left the security of his Community Parents, but is repeatedly offending whilst living in lodgings."

And lastly, were the group of ten who had been removed from

the community, mostly into custody.

"N. has exhausted the efforts of his father, community parents and the support resources. He is currently the subject of a Certificate of Unruliness."

"D. refused all help and is now, at 17, serving 30 months in YC. having been discharged from secure accommodation."

"C. made no commitment to change, especially when custody appeared inevitable."

"L. was unable to cope with independent living. He indulged in drug-taking and burglary and is now serving 12 months YC."

In order to amplify the findings on the performance of the Study Group, the performances of two sub-groups were looked at. These were :- a) The group of 12 identified in Table 51.iii who were rated at levels 3 or 4 in all three measures of concern - family situation, school response and non-criminal behaviour, and who I have termed the 'top risk group'.

b) The group of 10 who at the end of the 12 month periods were rated at stability level 5 (breakdown) as shown in Table 65.

The 'top risk group' consisted of 7 boys and 5 girls - the girls were thus over represented. In terms of the overall level of behavioural problems manifested at the end of the 12 month periods, Table 66 demonstrates.

Table 66.

Overall behavioural problems of 'Top risk group' at end of 12 month periods.

	M	F
1. Behaviour not causing any concern	0	0
2. Behaviour problematic on occasions but not causing undue concern.	1	1
3. Behaviour problems of persistence causing some concern	1	3
4. Constant behavioural problems causing major concern	4	0
5. Behavioural problems of a most serious nature. Beyond control	1	1
Totals	7	5

Five of the seven boys were thus at least at the major concern level, though only one had actually broken down. The girls performed somewhat better.

Table 67 demonstrates the levels of stability attained.

Table 67.

Stability of 'Top risk group' at end of 12 month periods.

	M	F
1. Stable. No real risk of custody or custodial care.	0	0
2. Stable, but with occasional problems.	1	1
3. Surviving but with problems sometimes threatening stability.	2	2
4. Precarious existence with many problems often threatening stability.	3	1
5. Breakdown in the community. In custody/custodial care.	1	1
Totals	7	5

Thus the assessments of stability closely mirrored those of behaviour. Whilst these assessments in no way indicate a dramatic change in the overall performance of this highly vulnerable group, they do at least indicate the successful maintenance of this group in the community, despite the obvious difficulties. What is interesting is that a closer examination of the data revealed that those who had the greater levels of problem behaviour at the commencement of the Study, did at least as well on measurements of behaviour change and stability, as did those with lesser problems. In part this vindicates the policy of reserving these resources for those with greatest levels of problems.

However of the ten young people who were finally assessed as having broken down in the community, nine were boys and all nine were serving custodial sentences. Eight of the nine had deteriorated considerably during the year in terms of their delinquent behaviour. Five of the nine had experienced breakdown in community parent placement. And five of the nine had undertaken SAO

programmes at Penhill and had re-offended on fairly massive terms. A sudden escalation of delinquent behaviour, often following or accompanying breakdown of family or substitute family support, was the major feature of those boys who experienced breakdown into custody. Their position was the more serious in that it became clear that once this rapid downward spiral into custody had occurred, it became exceptionally difficult to recover from.

## 6.9 Summary of Findings

Concerning inputs.

1. At the hub of the concerns being expressed by those referring young people to the Strategy resources was behaviour which directly related to breakdown or brittleness of relationships within the family. This was particularly the case with girls. An inability to cope with schooling was also significant in the case of both boys and girls, as was delinquency in boys. Sexual misbehaviour or vulnerability also generated degrees of concern for girls. Almost all the boys were delinquent and had established at least the embryo of a recidivist pattern. An average of four previous court outcomes had been experienced, with most receiving at least a Supervision order in criminal proceedings. The low level of overall cautioning, reported in the last chapter had clearly contributed to the number of court outcomes. Two-fifths of all boys had either received custody or its recognised alternative.

2. A high proportion of all young people using resources, including those still living at home, had experienced major previous interventions from services over many years. This was particularly so in the case of girls.

Concerning process.

3. Resources for deviant adolescents provided by the Social Services department in South Glamorgan are of two distinct types - those which provide an alternative to home and those which leave children in their home and offer support. Once a young person moves from home, the responsibility for him generally shifts from one resource to another.

4. With the exception of Sully, the 'alternatives to home' were admitting most young people from other 'alternatives to home' and discharging them to other 'alternatives to home'. Sully was acting as a reception centre and clearing house for very large number of young people removed from home for short periods. A significant number of young people were admitted to Sully from the courts, but others were from breakdowns within the other resources. The other resources were dealing with a relatively small group of young people, many of whom effectively had no homes which would or could accommodate them, and were moving from one form of alternative to home to another. Their eventual exit from public care was either via the Adolescent Hostel complex or Community Parents to independent living. Apart from longer term placements at Community Parents, most of the young people were in transitional care and at 16 or 17 left it with minimal support.

5. The management of female deviancy remained heavily reliant on out-county placement in a CHE. Seven such places were available and used in 1987, the same number as were available and used when the Strategy was adopted in 1983.

6. The Penhill and Yniscedwyn support programmes catered largely for boys living at home. In contrast, CSV provided more day-care

support for young people not at home and supported more girls than boys. The programmes of these three resources were largely based on the young people themselves. Little of the content related to work with families.

7. Despite the Strategy resources being described as being managed on an integrated basis, under a third of young people received services from both the 'alternative to home' sector and the 'support' sector. At least half of all admissions were direct to 'alternative to home' resources direct, without any input from the specialist support resources.

8. During the twelve months when each young person in the Study Group was being monitored, on average, support was only received from the specialist resources for just under 6 months.

Concerning outcomes.

9. In terms of the effectiveness of resources, between a quarter and a third of all interventions were seen as having had no effect. The Community Placement scheme was seen as having the greatest effect - especially with the longer placements.

10. In relative terms, the support services were perceived as being less effective.

11. Those young people with a history of offending, continued to offend during the periods being monitored, although some offending was minor but was nevertheless prosecuted. However over a half did not receive an 'up-tariff' sentence during the year. Once a custody sentence had been served, a further custodial sentence became almost an inevitability.

12. In only a minority of the Study Group, did behavioural problems become worse during the periods of study.

13. Providing criminal custody could be avoided, a high level of relative stability was achieved by many young people, despite the initial levels of concern. At the end of the periods of study a third were either in custody (10 of 84) or their level of stability in the community was perceived as being precarious. (17 of 84) Improvements in behaviour/stability were not confined to those who started with the least problems.

14. However a relatively small group of boys, all of whom were showed the greatest propensity for serious delinquency, were beyond the control or help of strategy resources. They swallowed up considerable resources to little effect. The Strategy had no secure facilities of its own and virtually no access to such. These young men, despite major effort, generally became subject to Certificates of Unruliness prior to custodial sentencing.

In the last chapter, these findings are in turn, considered against the indicators set down in Chapter 4. An overall assessment of the effectiveness of both the Juvenile Justice system in South Glamorgan as well as the services for deviant youngsters included within the County Strategy, is made. The implications of those findings are also assessed.



## CHAPTER 7

### MEASURES OF SUCCESS AND IMPLICATIONS FOR PRACTICE

#### 7.1 A reminder of the context of the Study.

In his perceptive exploration for the origins of the phenomenon of juvenile delinquency, Geoffrey Pearson discovered that youthful misbehaviour has been a pre-occupation of adults in Western Society since at least the Industrial Revolution. (1) Each successive generation appears to perceive the behaviour of its deviant progeny, as a basic threat to social order. Cohen described the 'moral panic' of much adult reaction. (2). Alongside such concerns has thrived a research industry which has sought to provide explanations as to the causes of deviant, and more especially, delinquent behaviour. Until relatively recently, a positivist thread permeated all such explanations, with varying stress on individual, group or community pathology. Arguably, the 1969 CYP Act marked the highpoint of positivist tradition in England and Wales. The subsequent rise in levels of juvenile custody, which confounded the best intentions of the architects of

that piece of legislation, provided one spur for practitioners at least, to re-think their responses to delinquency and wider forms of deviancy.

Thus far, research has produced very few pointers as to what forms of intervention are most effective in controlling levels of deviancy, although there is little doubt that the social control of deviant behaviour remains high on the political and social agenda. Rather, the research has given more definite indications as to what not to do. In essence we know that custodial institutions serve as polytechnics, if not universities, of crime and as such foster greater depths of deviancy in their inmates. We also know that a response to the other social problems which young people suffer from and present, which relies too heavily on residential care, and particularly coercive removal from the community, is counterproductive.

The positivist tradition has now largely given way to a pragmatic realisation that most young people will grow out of their deviancy despite rather than because of social intervention. Thus the new approach to Juvenile Justice has been characterised by a manipulation of the system to ensure that it does least harm. Welfare has concentrated upon providing imaginative ways to engage and support young people in the community. At the same time there has been a recent realisation and reawakening to the harm which some in-family experiences such as physical and sexual abuse, have had upon young people and a move to prevent and "heal" such damage. It may not be that all physically and sexually abused children become deviant, but practitioners are becoming very aware of the high numbers of deviant children who have suffered forms of such abuse.

However, lest we get carried away with the apparent enlightenment of current philosophy, we should not deceive ourselves into necessarily believing that such thinking is providing all the motivation for change. We should rather view this drive away from the use of custody or custodial care, against the backcloth of the economic imperatives which have prevailed during the past ten years. It was always going to be relatively easy to replace custodial care - the CHEPs. Local authorities have experienced relentless pressure to limit their expenditures, and the burgeoning cost of residential care could never have been sustained from the rates, even if policy had dictated otherwise. Because there were no perverse economic incentives otherwise, the private residential child care service has not mushroomed as, for instance, have homes for the elderly. By contrast there has been no similar constraint on custody. Custodial institutions are financed by the Exchequer, and their symbolic significance has ensured that that funding has continued even when beds have remained unoccupied. A transfer of funding from the Home Office to the local authorities, via the Department of Health is apparently beyond the imagination of either Government Department. Or perhaps, to be fair, the political will is absent. In either case, the reduction in levels of juvenile custodial sentencing during the past five years, is the more remarkable, considering the financial disincentive the local authorities have faced, in providing custody replacement, despite the 'pump-priming' finance which emanated from 'LAC 83'.

Within this context, chapters 5 and 6 have therefore looked at the performances of the Justice System in South Glamorgan, as well as the resources which Social Services have earmarked to

replace custody and custodial care. Chapter 3 identified a number of benchmarks which it was suggested were the hallmarks of effective practice. How do the performances outlined in the findings of this Study match up to these benchmarks ?

## 7.2 The Performance of the Juvenile Justice system

### Concerning inputs.

The first indicator concerned the proportions of young people being drawn into the system. Relatively high numbers of young people in South Glamorgan were being formally processed by the Juvenile Justice System. These numbers were high in relation to most other areas of England and Wales. They were also not reducing in line with the fall in numbers of adolescents resident in the County as a whole. A great deal of minor crime was being dealt with formally, either by way of caution or, in the case of those with previous prosecutions, by way of prosecution. The cautioning rate too was low and varied greatly between police divisions. Many of those prosecuted for minor crime received low tariff disposals in the courts, with the result that the incidence of cases receiving either small fines or discharges was proportionately high in the courts. One consequence of dealing with so much juvenile crime formally and cautioning relatively few juveniles, was that much time and effort was expended by officials, magistrates, prosecutors and police, to very little effect.

### Concerning outcomes.

In terms of the second indicator; there was no evidence that formal supervision was being imposed early in young peoples careers, for welfare reasons, when the offence merited a less intrusive penalty. This was despite the low cautioning rate. The

number of Supervision Orders imposed by the courts was relatively low. Probation tended to ask for them more frequently and earlier than Social Services. There was considerable evidence that Social Services were offering welfare intervention to young people and their families prior to their court appearance and that the temptation to place that supervision within the framework of a formal Supervision Order, was being resisted. However there was some evidence that the Supervision Order without special conditions was less used than before and that it was disappearing as a tariff option. Some young people were made subjects of Specified Activity Orders without previous benefit of ordinary Supervision, though this was less prevalent in Probation cases.

Despite the low cautioning rate, the numbers receiving custody, as a proportion of those cautioned or prosecuted, was low. This finding confirms that in 'Handling Juvenile Crime in Wales'(3), that low cautioning and high custody are not necessarily associated one with another. Custody was not generally imposed until at least the fourth or fifth court outcome and then not unless the offences were multiply serious. Multiple burglary and car-theft were the main triggers for a custodial sentence. There are inherent dangers in defining a a group of young people as 'hard-core'. However the evidence in South Glamorgan was that custody was restricted to a small number of seasoned serious offenders. Both agencies found it difficult to engage that group in ways that appealed to the court and to the young people. Furthermore there was evidence from the high numbers of 17-21 year olds sentenced to custody in the Magistrates and Crown Courts, that any alternatives to custody merely delayed rather than replaced custody, though that group would need further study to confirm that

possibility.

Concerning process.

In terms of the third indicator, Social Enquiry Reports from both agencies followed an offence-focussed pattern, and were not presented in a generalised welfare form. Report writers were clearly guided by the frameworks issued by both agencies. Neither custody nor care was recommended. There was a high take-up of recommendations by the courts and those not followed were most often limited to cases where custody was imposed. However a large number of reports were prepared on those appearing in court for the first time. Outcomes in such cases were little different from those for whom reports were not prepared.

There were also some features of the process of the Juvenile Justice system which caused some concern. In particular was the delay experienced when guilt was denied. Because the process was geared more to those who admitted offences, denials, many of which were either withdrawn at a late stage or were lost, took a great deal of time to be resolved with obvious problems resulting for the young person and his family.

### 7.3 Performance of the Strategy Services

Concerning inputs

The first indicator concerned the nature of the intake to the Strategy resources. Evidence of levels of previous involvement with services, together with high levels of family-based problems as well as associated deviant behaviour, is suggestive that the resources were generally working with those they were targetted at. What the research did not do was to ascertain whether the resources were selective and that other like youngsters were either rejected

or not referred. It is known that not all of those who went to custody were referred to the resources, and further investigation of this possibility is needed.

#### Concerning process

The second principle which was outlined in the indicators was that of voluntarism with a minimum use of coercion. All of the resources utilised within the South Glamorgan Strategy depended to a considerable extent on voluntary participation. The primary exception was the Sully Unit which received the majority of boys remanded in care by the Court. No formal bail support programme existed within the County in 1987 and over half the 150 admissions to Sully were remands. One clue as to the voluntariness of participation is given by looking at the legal status on admission to the residential resources - including community placement, although it is recognised that a 'voluntary' admission under Section 2 of the 1980 CCA, can be as coercive or more coercive than admission on a remand or care order. Nevertheless, apart from Sully, each of these resources admitted more young people on the basis of Section 2 than on care orders. In particular the only young people on criminal care orders were those where such orders were made some time before.

#### Concerning outcomes.

Young people were free to reject what was on offer from the resources. The challenge was therefore to provide services which appealed to them. In almost all cases where intervention was felt to be ineffective, it was because services or programmes were not able to engage the young people involved. On both resources and fieldwork assessments of the effectiveness of those resources, there were many cases of ineffective intervention, - almost a

quarter of all interventions in the Study Group. A further 40% were felt only to have had a marginal effect. Clearly, the ability to produce engaging services for a group of young people with such disadvantage, is supremely difficult, but within South Glamorgan there is certainly much yet to be done.

In terms of the third indicator, - a minimum and purposive use of residential care - there was evidence that, at least for boys, resort to the use of long-term custodial care had all but disappeared from the system. Those displaced from such care had certainly not transferred to custody, although a significant group still experienced custody, and for longer periods. For those who were unable to live at home, the Community Placement Scheme had made a major impact. However, short term admissions to care, either via a remand or a crisis generated 'voluntary' admission were a prolific feature for boys and the systems ability to prevent such admissions was relatively poorly developed.

The fourth indicator suggested that referees should feel that the resources, by engaging young people, were providing effective control and that behavioural problems were being successfully managed and reduced. By definition the Study Group presented a range of behavioural problems at referral. These problems were perceived as being rooted in the nature of relationships which had developed in family life. Many of the Group had entered their teenage years without the benefit of ever having experienced stable family relationships, either within their natural family or in a permanent substitute. The majority however were still living with or linked with at least one of their natural parents. Their families had received a variety of forms of social services 'help'/intervention over many years, but few lived with



permanent alternative families. Despite the fact that there were young people in the Group whose behaviour had deteriorated during the study year, (some 20%), 57% had improved, and a third of these had improved considerably.

In terms of offending behaviour, almost all of those with a history of offending prior to the Study year, appeared in court during the year. It was not possible from the data to deduce whether the intensity of their offending reduced during the year. Since, by definition, most of them were showing clear early signs of recidivism, (having on average four previous outcomes each), it would have been unlikely that intensity would have been reduced. However there was evidence that a considerable effort had been made not to allow serious offenders to escalate up the court outcome tariff. However, the data demonstrates that the ability of the systems and services to control the delinquent activity of individuals in the Group, was limited.

For girls, the picture was somewhat different. Whilst the Community Parent Scheme had also had a significant impact, the use of CHE places for girls remained at the same level as when the Strategy was adopted in 1983. There was little by way of specialist family support for girls.

In terms of stability in the community - the Study Group divided into equal thirds - a third achieving relative stability - a third 'surviving' - and a third either living a precarious existence or having been removed from the community. Enhanced stability and improved behaviour was not confined to those presenting the fewest problems. Some with considerable problems made considerable gains.

#### 7.4 A measure of success ?

A central theme of this research has been that the success or otherwise of the systems and services which manage deviant youngsters is to be judged by the extent to which deviant behaviour can be controlled, without recourse to draconian infringements of personal liberty and responses which amplify rather than reduce the problem. To what extent can the South Glamorgan experience be said to be successful ?

On the credit side, custody appears to be reserved for a very few boys who have shown persistent and serious offending. During the period of the research, it was a rarity for any boy not in this category to receive a custodial sentence from the court. Indeed many within this category were diverted from custody. This was due, not a little, to the efforts and policy of both the Probation and Social Service Departments as well as a willingness on the part of magistrates to accept alternative forms of disposal. A number of young people who, ten years previously would have spent long periods of time away from home in a CHE, were being successfully managed in the community by 'community parents'. In addition some young people whose presenting behavioural problems indicated that they would previously have been removed from home, remained at home and were successfully supported by the support services, with occasional admissions to short-term care.

Considering that instability was a feature of most referrals - hence the referral - the levels of stability achieved by those in the Study Group during the year were relatively high, despite the obvious failures. Success was not confined to those with relatively fewer problems. Notable success was achieved with some of those with the greatest problems.

A further positive relates to the process itself. When readily available custodial care facilities existed, it was all too easy to decide, when problems became acute, to refer a young person to them, often without engaging the young person in the process of the decision. Apart from some emergency referrals especially to Sully and some girl referrals to Silverbrook, most referrals to other resources very much involved the young person. A commitment from him or her was required. Heavy-handed, authoritarian coercive decision making was not generally a feature.

On the debit side, a large number of boys especially, were being unnecessarily drawn into formal processing by the Juvenile Justice system, because of a relative reluctance to deal with them informally or to expand cautioning. And whilst in-court diversion was relatively successfully achieved, a significant number of persistent serious offenders were receiving repeated custodial sentences. That custody was for longer periods than previously. There was also some indication that what had been achieved in terms of low levels of custody was fragile, and that custody could easily increase if agency workers and magistrates let up on their resolve. In terms of services, the support services were perceived as being relatively ineffectual. For a county of this size and make-up there were a very large number of crisis type short-term admissions to custodial care and little ability to prevent them. Some girls still spent long periods away from the community in custodial care.

#### 7.5 Implications for Practice in South Glamorgan

The research has indicated a measure of success in the community management of adolescent deviancy in South Glamorgan. However in underlining that success, it is important to point to a

number of concerns which, I would suggest, need addressing, if achievement is to be consolidated and further progress is to be made. The research has concentrated upon inputs and outcomes and has not addressed, to any great extent, the issue of process within the system structures themselves. Concerns for the present organisation of those structures are only expressed in broad terms.

The first important point to make, is the need for continued monitoring. It is essential, if practitioners, managers and policy makers are to make decisions, that those decisions are made on the basis of hard information and not on the basis of anecdote or as a response to sudden pressures - pressures which are inevitable in this field of work. It was a major concern of Brownlie that in attempting to relate the Ynisedwyn experience to what was going on in the system as a whole, he found that monitoring was piecemeal and incoherent. It is no coincidence that almost all the data for this research was collected prospectively. Retrospective data of sufficient quality and reliability were not available. Neither is it a coincidence that specific instruments, as well as technology, had to be devised and acquired, since neither of them were ordinarily available. Neither within the local Juvenile Justice system nor within individual Social Service resources nor collectively within Social Services was anyone responsible for monitoring. As a consequence, whenever particular pressures or apparently obvious deficiencies in service manifested themselves, useful information was rarely to hand. The monitoring set up for this research was specific to the research and was not designed to address the particular requirements of the systems or services. In addition it was resourced largely, though not entirely, outside of the normal work programme and budget. At the

end of the research period, monitoring was largely discontinued, even though the Department leaned heavily on some of the information which was produced and internally published during the course of the research.

When I began the research at the end of 1985, I was conscious of the need for monitoring. At the end of the research in late 1988, I was the more convinced. The complexities of the systems are such that it is probably wise to appoint one person whose responsibility it is to ensure that a comprehensive ongoing monitoring system is devised and effected - such monitoring to include not just the input, process, procedures and outcomes of the Juvenile Justice and resource systems, but to include key developments within the education service. That persons first task would be to obtain agreement on the key factors which need to be measured, if agreed policies are to be put into effective practice. Such measures would need to include not just statistical data, but also some appraisal of the qualitative aspects of service provision - especially, consumer response. The monitoring task would probably be most usefully linked to a rationalised placement process.

A second major point to make is the cross-agency nature of deviancy management. Inter-agency cooperation and joint enterprise have become by-words in this field of operation. Actually achieving this, based on agreed purposive policies, is more difficult and requires a determination which transcends agency boundaries. Within South Glamorgan there has only been a token attempt to formally initiate inter-agency policy and practice within the Juvenile Justice system. There is no effective forum for agencies to use to plan joint strategies. The 'Strategy to Reduce the Crime Rate' adopted by the Social Services Department, without reference to

other agencies, was essentially an in-house mechanism for pulling out of expensive residential resources. The Strategy has nevertheless achieved some success but within such limiting parameters, there was little need to establish any sense of joint ownership of the policy with others. One consequence has been that the Education Department, for instance, has continued to expand its residential provision for 'special needs' youngsters under the mantle of the 1981 Education Act, at the same time that Social Services were ridding themselves of residential resources within CHEs. As such, out-county educational places have increased, and at least one special school has developed within the County which has collected many of the deviants who would formally have been sent to a CHE, and reproduced some of the ghetto like conditions, which Social Services has sought to avoid.

One relatively small step, in any reappraisal of the roles of the respective agencies within Juvenile Justice would be an examination of the work of the Probation Service together with that of Social Services. In Chapter 5 it was shown that there was no substantial difference between the two agency approaches, although there were some major differences between the backgrounds of the clientele of the two organisations. In the light of this, as well as the continuing reduction in the total number of juveniles within the County, it would seem sensible if consideration were to be given to Social Services becoming the sole service agency within the Juvenile Court. Such a move would avoid inefficient duplication of representation within the juvenile courts and would also avoid the unhelpful practice of Probation supervising those in Social service resources. It would also coincide with a time when urgent alternative demands are being made upon the Probation

Service by the 17-21 year olds. The involvement of both agencies in juvenile work is historical rather than logical and despite some additional demands it will make upon Social Services, the time has probably never been better to make such a move.

An inter-agency approach also has an important part to play in any renewed attempt to enhance the ability of the system to divert more young people from court. In Chapter 5, there was a strong indication that this is an area where work needs doing. At the time of the research, there was no 'cautioning plus' scheme in operation in any of the three police divisions. A cooperative effort by Social Services, Education and others could possibly have a major impact on the perceived necessity for bringing minor matters to court.

Within the services which the Social Services Department provides for deviant adolescents, a major unsatisfactory feature of the present system, is the very large number of short-term admissions to residential care. If these served any purpose, then there would be little cause for concern. Whilst the cumulative impact of these admissions does not amount to occupancy of more than one or two places at Sully at any one time, the daily transit of boys through the establishment detracts from any attempt to provide a worthwhile service. The fact that so many were admitted from home and discharged within a few days ( or even hours ) to home is suggestive that a great deal more could have been done to prevent many of the admissions. The difficulty would seem to lie in the fact that the preventative services are quite separate from the residential services. It is at least possible that if the staff who managed Sully were involved in the support services, then many of these admissions could be avoided and possibly the young people

involved would benefit from avoiding sudden but temporary removal.

A second, but more positive feature, is the undoubted success of the Community Placement scheme. As the research was being completed, the Department expanded the scheme to include short-term remand placements. What needs further investigation, is whether the scheme is capable of making an even greater impact, with more young people. Whilst this research did not look in detail at the success of this scheme, it was noticeable that it had considerable impact for those whose family links had all but gone and who needed a stable base for a few years before launching into independent life. It had less impact on those whose links with family were greater. Numbers of quite sophisticated delinquents were not referred because of their refusal to contemplate voluntarily an alternative family (as they saw it) to their own. It is possible that a greater emphasis on 'shared care' would make the scheme more attractive and provide the support which is needed if custody is to be avoided. Otherwise there is a danger that the CP scheme is able to give valuable help to many but that it has little to offer to some of those who face repeated custodial experiences during their late teenage years.

A further urgent area of concern, which the research pinpoints, is the relatively undeveloped area of community-based services for girls. The number of CHE places for girls had not been reduced since the Departmental Strategy was first adopted in 1983. In addition girls appeared to escalate into custodial care relatively quickly. Services to offer real help to them in the community appeared to be extremely limited. And yet perversely, possibly because of the relative absence of a delinquency dimension to their deviancy, they were rated as achieving greater stability



overall than were the boys in the Study Group. Any re-examination of current services would need to take into account the apparent special needs of girls.

Also whilst the research indicates that many young people were relatively successfully sustained in the community, it shows that a number were not being reached. It is possible that extended investigation into those who went to custody but who were either not referred or not accepted by resources would reveal an even greater degree of relative failure. It is extremely important that systems and resource managers continue to reappraise their programmes and do not abandon those who reject services in favour of those who do not.

In addition to these areas a major further research need is indicated. Whilst the research has indicated some success in the management of deviancy in the community, the nature of the services offered need considerably more investigation. In Chapter 6, it was shown that of the 84 in the Study Group, 61 were still living with at least one parent or close relative. Although young people are now removed from the community less, the services they are offered are still generally divided between those which focus on the young person (specialist strategy resources) and those which provide specific input for parents (fieldworker input). The specialist resources themselves do virtually no direct work with families and the relationship between the fieldworker input with the family and the resource input with the young person is ill-defined. The emphasis still appears to be on helping the young person directly rather than on providing appropriate support for families to help themselves. As such, whilst input from specialist resources is now more community based its roots are anything but in a family service

or in the particular communities within which families reside. It might well be that an extension of this research, which sought a perspective from parents and the young people themselves, might reveal a quite different picture of the services they receive.

This research has largely concentrated on the outcomes of the community management of deviant adolescents within the sphere of juvenile justice and the care and control services. If the achievements which have been made are to be further enhanced, it may be necessary for the Social Services Department to extensively re-appraise the ways it organises its services for adolescents. It was noted in Chapter 4 that the Department deploys its specialist resources in a highly centralised way. The original reason for this was twofold. Firstly, most other specialist resources were centralised in this relatively small County. Secondly there was a belief when the 'Strategy' was formulated that only centralised organisation and therefore control would enable gatekeeping to be developed and targetting to be maintained. The consequence is that every specialised adolescent resource serves the whole county.

In 1987 the Department embarked, with not a little difficulty, on a de-centralisation of fieldwork teams for every client group. As part of this process Family Resource Centres were to be developed in each of the areas the Child and Family teams served. It is possible that the management of Strategy resources needs to be reviewed in the light of those changes. In early 1988 the Strategy managers examined the possibility of case-accountability for all those in Strategy resources being transferred to personnel within those resources. That move has not taken place although very recently accountability for more young people in the juvenile justice system has been transferred to the

Senior Practitioners. It is possible that the Department needs to think about Strategy re-organisation in a quite different direction - that of creating specialist teams in the districts to take responsibility for all adolescents and to link some or all of the Strategy resources to those teams - making them local rather than county-wide resources. Such a change would ensure that local teams developed and retained a sense of 'ownership' of the problems adolescents faced and posed in their own communities and would retain the potential for managing adolescents in the context of, rather than in isolation from families and local communities. Such a move might also foster a far greater involvement of local people in the management of deviancy. Teams based in localities, which knew the potential and the strengths and weaknesses within a locality, might be more able to address the needs of adolescents in that community, than a network of distant, remote centralised resources.

Such a move would also mean that each Strategy resource would have to rethink its functions and consequent programmes. Sully and Penhill would each need to provide a fuller range of services, as each would be linked to one or more adolescent fieldwork teams. A local approach might be more successful in diverting more young people from short-term admissions to care as well as helping to prevent a 'ghetto-type' ethos from developing in places such as Sully.

Such a reorganisation would not be without its dangers. There would be major training implications. A dispersal of staff might lead to a dispersal of skills. Administrative and other resource implications would need to be thought through, And centralised gatekeeping and monitoring would need to be maintained

with each District manager being firmly committed to diversionary policy.

Regardless of how the Strategy develops in South Glamorgan, what appears to me to be important is that at local level, a dynamic is sustained for continually addressing and re-addressing the deficiencies which monitoring exposes as well as maintaining that which is shown to be effective and valued. What became apparent to me during my work in the County was that as important as getting the right programmes and the right systems for sustaining those programmes was the presence of a majority of people who believed in what they were doing and were determined to see that the young people they were working with got the best possible deal. Such people are a precious resource and it is important that they are supported by the organisations who employ them. Maintaining the morale of those who ultimately deliver the goods is as important as getting the right goods to the right people - but that is another story.

REFERENCES Chapter 7

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2. S.Cohen. Folk Devils and Moral Panics. Paladin. 1973.

AN INTERMEDIATE TREATMENT STRATEGY IN SOUTH GLAMORGAN

A. CONTEXT

1) The Crime Rate

We know of no evidence indicating that what we do as practitioners can reduce the 'general crime rate', a concept that has eluded a consensus of definition, let alone measurement even by criminologists.

2) What Not To Do

We do have evidence that some things we do, e.g. placing youngsters in custody and making inappropriate placements in care can increase the likelihood of recidivism and have a detrimental effect on children's lives. We therefore wish to move in a direction away from the use of custody and away from unnecessary placements in care.

3) Whom Should We Be Working With

By and large we are professionally involved with adolescents, presenting problems of control and unacceptable responses in their homes, schools and the wider community. Such responses manifest themselves in criminal and other forms of deviant behaviour. Of exceptional importance to our strategy is the fact that our youngsters present such problems in a variety of combinations of these settings. Two issues which follow immediately from this are 'Schooling' and 'Viability of Home Base'. The significance of these two issues for the strategy cannot be underestimated. Neither can the fact that the implications for girls are different than they are for boys.

4) Inter-Agency Working

No strategy will work unless it is devised with the full co-operation and commitment of all involved agencies. We believe there must be general agreement between the magistracy, the police, the social services, probation and education departments and the youth service, on what the strategy is and what part each should respectively play in providing particular resources to meet particular needs. Thus far in South Glamorgan, the local liaison group has attempted to provide a venue for the development of strategy.

5) Integrated Child Care Services

Our view is that within the Social Services Child Care Division, I.T., Assessment, Residential Care and general supervision cannot operate effectively as separate services. We feel sure that an overall view of an integrated service must exist within the department. Our concern is that - assuming it does - it has not been communicated to the practitioners. There are two essentials:- policies and communication.

#### 6) The Aim Of The Strategy

Wherever possible to minimise recourse to removal from home of South Glamorgan youngsters, as a means of dealing with their socially unacceptable behaviour.

### B. THE STRATEGY

#### 7) Research And Monitoring

These are different but related functions. Without monitoring research is not possible. Our experience is that present monitoring arrangements are inadequate, and we are unable to plan resources properly without accurate information concerning our youngsters' needs. We need a 'mechanism' for gathering relevant information, e.g. admissions to care, D.C., Youth Custody, assessment, etc., and someone with an overview of this. Such monitoring will be even more essential if we are to understand the local effects of the Criminal Justice Act. We feel that we, as practitioners, must have ready access to information, to guide us in our practice.

Research must be local although it may be guided or prompted by national trends. Two areas for research which we feel should have a high priority are (i) What are the characteristics of our present C.H.E. population?, (ii) How does the inter-relationship between criminality and school problems effect decisions about removing youngsters from their homes?

#### 8) Gatekeeping

This will be necessary at all levels within the strategy in its broadest sense, e.g. to ensure that probation and social service departments' reactions to police cautioning policy do not inflate the numbers of youngsters being drawn 'up the tariff'. However, in its more specific and narrower sense we feel we must have a mechanism (individual/panel/committee) for vetting all executive decisions and recommendations for judicial disposals which are likely to involve removal from home in respect of all youngsters who present problems of socially unacceptable behaviour. This mechanism will need to have links with a review system for those youngsters who have already been removed from home. However, the discretion in such a mechanism must obviously be biased in favour of the aim of the strategy.

### C. THE STRUCTURE OF SERVICES

#### 9) Areas Of Work

Although we suffer the disadvantage of not having information available to us from a local monitoring mechanism, our joint experience tells us that whenever a decision is made as to whether or not to remove a youngster from home and whether that decision be made by the court, or within a case conference (etc), three areas are considered:

a) Home

Are the parents experiencing a strong desire not to have the youngster home? Can they cope with the youngster in care?

b) School

Is the youngster responding to schooling in a satisfactory way?

c) Crime

Is the youngster committing crime with impunity? Is the precipitating criminal offence so serious as to demand exemplary action?

Our experience of youngsters who go into C.H.E.s is that generally they have serious problems in all these areas

Our experience of youngsters who go into custody is that they generally have serious problems in areas b) and c).

Additionally our children's homes which cannot cope, supply the C.H.E.s and our C.H.E.s, which cannot cope, supply the custodial system.

Thus in devising services to provide alternatives to removal from home we have to:

1) Home

- (i) To provide a variety of support services to assist the parents in coping with their children at home.
- (ii) To provide practical non-institutional alternatives to home.
- (iii) To provide residential facilities which are locally based and which can work toward replacement in (i) and (ii).

2) School

- (i) To provide support services which assist the youngster in coping adequately in school.
- (ii) To provide alternatives to main-stream schooling.

3) Crime

To provide alternatives to the court which are credible as methods of managing a response to persistent or outlandish criminal behaviour.



In order to meet these demands, we believe the following facilities must be provided. (nos. refer to key areas of need outlined above.)

Contractual fostering scheme, 1 (i), 1 (ii)

A 'Crash-pad' residential facility: 1 (i), 1 (iii).

Specialised group homes: 1 (iii).

A sheltered lodging scheme: 1 (ii).

I.T. centres (Penhill & Ynyscedwyn) with revised roles: 1 (i), 2 (i),  
2 (ii), 3.

Access to family therapy: 1 (i).

C.S.V. (Central Children in Care): 1 (i), 2 (i).

C.S.V. linking scheme: 1 (i), 2(ii), 3

A community service scheme for 16+s: 3.

We strongly believe that unless we can quickly develop a range of flexible resources which are at least as comprehensive as those outlined above, the result will be, -

- 1) Those whose deviancy does not merit custody at present will be placed in custody (Criminal Justice Bill).
- 2) Those who are currently placed in C.H.E.s will transfer sideways to custody at an increasing rate.

We also believe that if such a strategy is to be successfully implemented, there must be within each area team a minimum level of expertise in this specialist field.

Keith Brownlie

Derek Brushett

Chris Rhodes

6th June 1983

## APPENDIX 2

### Scale of Seriousness of Offence

Level [1]	Theft/Handling < £50 Criminal Damage < £50 Being carried in a vehicle Minor RTAs
Level [2]	ABH TADA (no damage) Theft/Handling £50-£199 Criminal damage £50-£199
Level [3]	GBH Burglary <£1000 Assault with intent to rob TADA (damage) Theft/Handling £200-£1499 Criminal damage £200-£1499 Reckless driving
Level [4]	Wounding with intent Burglary £1000-£2999    Domestic burglary <£1000 Aggravated burglary Robbery < £100 Theft/Handling £1500-£4999 Criminal damage £1500-£4999 Arson
Level [5]	Assault police causing injury Rape Burglary £3000+    Domestic burglary £1000+ Robbery £100+ Theft/handling £5000+ Criminal Damage £5000+

Based on Bale D. Use of a Risk of Custody Scale. vol.34.no.4.  
Probation Journal 1987.

COUNTY OF SOUTH GLAMORGAN

REPORT OF THE WORKING PARTY ON THE JUVENILE LIAISON PROCESS

IN SOUTH GLAMORGAN

Members of the Working Party

The Police	Mervyn Bowden, Superintendent, Community Services David Williams, Chief Inspector, Community Services
Education	Fred Hope, Chief Education Welfare Officer
Probation	Norman Davies, Asst. Chief Probation Officer Eurllys Judd, Senior Probation Officer Mike Sharp, Senior Probation Officer
Social Services	Phil Harris, Controller Adolescent Services (Chairman) Derek Brushett, Principal Assistant John Aberg, Court Officer (Secretary) Kerry Kane, Project Worker

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1. Preamble

On 30th October 1986, John Gamble, Director of Social Services, South Glamorgan, wrote to David East, Chief Constable South Wales Constabulary, expressing concern at the low level of cautioning of juvenile offenders within the County. He requested a joint examination into the present system for recommending prosecution, together with other agencies involved in the juvenile liaison process.

On 11th November 1986, the Chief Constable replied to this request and in welcoming such an initiative stated "I trust this action will achieve the desired object of increasing our caution rate to the benefit of all concerned, particularly the youngsters themselves".

On 28th November 1986, the South Wales Juvenile Affairs Committee met at Bridgend and it was resolved, after some discussion, that the South Glamorgan Working Party should endeavour to present its findings to the next meeting of the Juvenile Affairs Committee, to be held on May 22nd 1987.

The Working Party has since met on 5 occasions and is now able to present its report.

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2. Terms of Reference

- 1) To investigate the operation of the Juvenile Liaison Process in South Glamorgan and to enquire whether it is feasible to further increase the level of juvenile cautioning, in line with Home Office Circular 14/85.
  - 2) To consider the systems and resource implications of any proposals.
-

3. Juvenile Offenders      To Prosecute or not to Prosecute?

Two quotations

"All the available evidence suggests that juvenile offenders who can be diverted from the criminal justice system at an early stage in their offending, are less likely to re-offend than those who become involved in judicial proceedings."

White Paper. Young Offenders 1980. Cmnd. 8045

"It is recognised both in theory and in practice that delay in the entry of a young person into the formal criminal justice system may help to prevent his entry into that system altogether. The Secretary of State commends to chief officers the policy that the prosecution of a juvenile is not a step to be taken without the fullest consideration of whether the public interest (and the interests of the juvenile concerned) may be better served by a course of action which falls short of prosecution. Thus chief officers will ensure that their arrangements for dealing with juveniles are that prosecution does not occur unless it is absolutely neces:

Home Office Circular 14/85.

The Working Party were aware of the evidence which has been accumulated, concerning the effective contribution that preventing delaying entry into the formal criminal justice system makes, reducing subsequent crime.

The Working Party were also aware of national and local initiatives which had been taken. In particular the initial success of the Centre was noted and admired.

All agencies represented on the Working Party endorse a commitment reducing the rate of prosecution of juveniles.

(see recommendation (1)).

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4. The Statistics of Prosecution

The Working Party began by considering some of the statistics that were available concerning the practice of prosecution in the County of South Glamorgan. As well as police figures, the Social Services Department had collated their own statistics concerning the operation of the Juvenile Liaison Panels in South Glamorgan during 1986.

In 1986, some 2506 referrals were made to the 3 juvenile liaison panels, involving some 1728 juveniles, 85% of the referrals were for boys.

Of the 2500 referrals, some 1500+ were for the consideration of the panels, the remainder being reported to the panels for information only. Table (1) indicates the categories of the referrals to panels.

Table (1) Referrals to Juvenile Liaison Panels - South Glam. 1986

For information	No.	%
Not guilty pleas	232	9%
Arrests and charge	386	16%
Instant cautions	319	13%
For recommendation	1559	62%
Total	2506	100%

Of those referrals for recommendation by the panel (1559), some 725, or 46% were recommended for a caution.

If the 725 cautions recommended by the panels are added to the 319 instant cautions administered (assuming that all 725 recommended cautions were in fact administered), a total of 1044 referrals resulted in a caution (or 46% of all referrals excluding not guilty pleas).

Overall therefore, the cautioning rate was about 46%. Although national figures are not yet available for 1986, the figure of 46% can be compared with those of other police force areas in England and Wales in 1985. Of the 42 police force areas, 31 had cautioning rates for juveniles higher than 46% (see Appendix (1)).

A direct comparison here might be made with police force with the highest rate - Northampton.

The two sets of percentages in Table (2) are not directly comparable because of the policy in Northampton of taking informal action for trivial offences (25% of offences were dealt with informally and not reported to the Liaison Bureau). Hence the high percentage of 'other offences' in the South Glamorgan figures. Accepting this proviso, the nature of juvenile offending in Northampton appears little different than in South Glamorgan. Yet Table (3) indicates the results of referral to the Juvenile Liaison System in Northampton are markedly different from those in South Glamorgan.

Table (2) Northampton and South Glamorgan - Offences Reported to Juvenile Liaison Systems

Offence	Northampton 1985	S. Glamorgan 1986
Theft Handling Receiving	55%	46%
Burglary	16%	12%
Criminal Damage	9%	7%
Assault	8%	4%
Vehicle Theft	7%	10%
Robbery	2%	1%
Arson	1%	1%
Other Offences	2%	19%
Total	100%	100%

Table (3) Outcome of "Bureau" Referrals - Northampton 1985

No further action	12%
Caution	64%
Prosecution	24%

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In the light of the high prosecution rate in South Glamorgan, the Working Party decided to look at the previous disposal history of the 834 juveniles recommended by panels for prosecution. The results are shown in Table (4).

Table (4) Previous disposals of those Juveniles Recommended for Prosecution -

South Glamorgan 1986

Previous disposals		No	%
Nothing previously known		156	19%
1 Previous caution	i.e. No previous prosecutions	128	15%
>1 Previous cautions		35	4%
Previous prosecution(s)		515	62%
Total		834	100%

Thus 38% of those recommended for prosecution had never previously been prosecuted and half of those had never previously been cautioned.

Looking at it in another way, of those juveniles brought to the panels for recommendation, 21% of those not previously known to the police, were prosecuted. At this point, it was thought worth looking at what happened to the 38%, when they eventually came to court. In 1986, 310 juveniles appeared in the County's Juvenile Courts for the first time. Outcomes are shown in Table (5)

Table (5) Outcomes in South Glamorgan Juveniles Courts for Juveniles with

no Previous Prosecutions

Outcome	No	%
Absolute discharge	1	0%
Compensation alone	2	1%
Conditional discharge	191	62%
Bound over	22	7%
Fine	54	17%
Attendance Centre	24	8%
Supervision Order	15	5%
Detention Centre	1	0%
Total	310	100%

In summary then the prosecution rate for juveniles in South Glamorgan was found to be in the highest 25% in England and Wales. Since there is no evidence that offending amongst juveniles is more prolific or substantial in South Glamorgan, it follows that such a high figure can only be explained by local interpretation of criteria for prosecution. Of those recommended for prosecution, 38% had never been prosecuted before and of those 87% were dealt with in court normally (see recommendation (2))



## 5. The Notion of 'Seriousness'

One of the primary reasons for recommending prosecution, is the 'seriousness' of the offence(s). Seriousness is a notoriously subjective concept and there are few guidelines provided to assist with interpretation.

The Working Party therefore, decided to look at a substantial sample of the 319 referrals recommended for prosecution who had never previously been prosecuted.

A very wide range of offending was deemed by panels to be serious. At the bottom end, shoplifting to a value of £8, minor damage to a brick wall and the theft of a pedal cycle were included as 'serious'. We concluded that such examples were hardly what either Parliament or the Home Office or indeed our local courts, deemed serious. The Working Party found it impossible to lay down absolute guidelines. However, we make the following observations:-

### a) Cases of assault

Frequently these appeared serious but when the case eventually got to court, further circumstances came to light and the charge was subsequently reduced.. The Working Party felt a distinction should be made between impulsive and planned assaults. Was there intention to cause injury? Were weapons used? What injuries were caused? Was the assault a dispute amongst peers or inflicted on a much younger or older person?

### b) Damage

The Working Party felt that, in general, 'recklessness' was less serious than intentional damage. Where damage was made good, was there a need to prosecute?

### c) Theft

In general, theft should be considered as less serious than burglary. The degree of harm to the loser should be taken into account. Property that is recovered renders the offence less serious.

### d) Burglary

Physical, financial and psychological harm to the victim is important and absence of these, equally important. A straightforward trespass and theft is less serious than breaking and entering. Burglary of a commercial premises is less serious than a domestic burglary.

### e) Vehicle theft and associated offences

The Working Party recognised the potential seriousness of such offending. Nevertheless, there were examples of vehicle theft which were brief unplanned episodes where no actual damage was done. These episodes were less serious than others.

Recommendation 3, relates to the Working Party views on seriousness

6. Series of Offences

The Working Party were of the view that juveniles committing a series of offences of a relatively minor nature, should not be precluded from consideration for a caution.

7. Compensation

The Working Party agreed that whilst a compensation claim is a factor in considering prosecution, it is not the only factor. Prosecution should not be recommended for compensation alone.

8. Further Considerations

- a) : Juvenile arrested and charged and those previously prosecuted.  
If a juvenile has been prosecuted on at least two previous occasions, he is usually though not always, arrested and charged and the case is reported to the panels for information. Of those cases brought to panels for recommendation, with a history of previous prosecution, only 8% in 1986, were cautioned. The Working Party considers the almost automatic practice of prosecuting those with previous prosecutions, especially in minor cases, should be reviewed (see Recommendation (4)).
- b) Juveniles previously cautioned more than once.  
Of the 1500 plus referrals to panels for recommendation, only 52 (3%) had more than one previous caution. This is indicative of the panels reluctance to caution more than once. (see Recom-
- c) Not guilty pleas  
Juvenile Liaison Panels do not consider cases where the juvenile does not clearly admit guilt. Such cases are reported to the panels for information. Whilst there is no desire in any way to persuade juveniles to admit guilt, when they do not wish to, it is noted that pleas are sometimes changed once the case comes to court. Had there been an earlier admission of guilt, a caution may well have resulted. The Working Party considers that such situations are unfortunate and recommends accordingly (see recommendation (7)).

9. The Structure of Liaison

2500 referrals per year produce a considerable amount of work for the juvenile liaison process, and concern was expressed in the Working Party that insufficient information was available in numbers of cases whereby proper decisions could be made.

The Working Party were also aware of the finding of the recent report 'Handling Juvenile Crime in Wales', published by the Welsh Office, that of the 4 police forces in Wales, the one which invited least participation in consultation, had the highest cautioning rate.

The Working Party believe that the rate of prosecution can be reduced significantly by reviewing the criteria for prosecution. Only when such a review is completed, and implemented, monitored and researched over a period of time, should the question of devoting additional resources to further reduce the prosecution rate, be contemplated. (see Recommendation (9))

#### Recommendations

1. The evidence concerning the effectiveness of preventing juveniles from entering the criminal justice system is overwhelming. The rate of prosecution of juveniles in South Glamorgan is high. We recommend that the South Wales Constabulary, the South Glamorgan Probation Services, the South Glamorgan Social Services and Education Departments should publicly adopt policies aimed at reducing the level of juvenile prosecution significantly over the next two years, and should collaborate jointly to effect such a reduction.
  2. If prosecution is to be reduced, a start should be made with those most amenable to caution, - those who have not previously been prosecuted - the group who when they go to court rarely receive other than a nominal sentence. Prosecution of those in this group is mostly ineffective, uneconomic and time consuming. Justice, in such cases is unnecessarily delayed. We recommend that every attempt should be made to significantly reduce the number of such cases prosecuted. If just half were cautioned rather than prosecuted, the caution rate would rise to 52%. Furthermore the total number of cases brought to the courts would be reduced by 20% - a substantial gain in effectiveness and efficiency, within the courts.
  3. We recommend the re-thinking of the concept of seriousness. For those not previously prosecuted or cautioned, the norm should be a caution. Only in exceptional circumstances, when the juvenile court is likely to consider other than a nominal penalty, should prosecution be contemplated. Additionally, we recommend the JLOs together with those involved from the agencies, join in a training session whereby the issues of seriousness, and other allied issues, are considered more thoroughly.
- We recommend that for those cautioned previously, a more generous interpretation should be made of the effectiveness of the previous caution.
4. We recommend that the criteria for 'arrest and charge' - two or more previous prosecutions - should be re-assessed. In such cases the seriousness of the offence should be considered by the police, before a decision is made to charge. If the offence is minor, is anything going to be achieved by prosecution? If the offence has some substance, then panel referral should be considered. When juveniles with previous prosecutions are considered by panels, they should not automatically be precluded from a caution. The 'seriousness' of the offence should at all times be considered.

5. Likewise we recommend that the 'seriousness' issue should be considered, where juveniles have been previously cautioned, but not prosecuted.
6. We recommend that the police should consider a scheme for 'informal warnings' for minor summary offences as well as minor indictable offences - such warnings to be recorded but not cited in any future court appearance or criminal record. There is evidence that the absence of an informal warning scheme results in net-widening i.e. a sucking in of many more juveniles into the criminal justice system.
7. We recommend that the Crown Prosecution Service investigate the desirability and the feasibility of referring back to the liaison process, the cases of juveniles who have initially denied guilt, but have admitted their guilt once the case is at the court stage, but before a plea is taken.
8. The Working Party considers that it would be unwise to consider any additional resources to reduce the prosecution rate, before the recommendations already made are implemented. Only when criteria for prosecution are such that minimum number are prosecuted without additional resource, should such resource be considered. It should also be borne in mind that the number of juveniles in the peak offending ages is going to reduce substantially over the next two years, and that any future expansion of resources will probably relate to fewer juveniles.

We do not recommend that at this stage, juvenile liaison bureaux or interventionist projects should be set up. The present juvenile liaison panels should remain, but there should be important changes. If prior to liaison, the police consider an offence merits a caution, we see little point in consulting the agencies.

We therefore recommend that the liaison panel should merely be informed of the decision. This should reduce the number of cases brought to the panels for recommendation, but those that did come would be the more serious or complex.

For those cases which remain for recommendation, we recommend that more information should be available than is generally the case at present. The current F11 form is inadequate, and a suggestion for a replacement is included in Appendix 2.

The process of prosecution would, if these recommendations are implemented be as in Appendix 3.

We also recommend that when, in a liaison panel, a unanimous decision cannot be arrived at, then any dissenting view be recorded and forwarded to the Crown Prosecutor for his information. We understand the Crown Prosecutor for South Wales favours this procedure.

Table 5.4 Persons cautioned for indictable (excluding motoring) offences as a percentage of persons found guilty or cautioned by police force area, sex and age group  
England and Wales 1985

Police force area	All persons	Males					Females					Percentages	
		Aged 10 and over	Aged 10 and under 17	Aged 14 and under 17	Aged 17 and under 21	Aged 21 and over	Aged 10 and over	Aged 10 and under 17	Aged 14 and under 17	Aged 17 and under 21	Aged 21 and over	Aged 10 and over	Aged 17 and over
Avon and Somerset	23	20	59	79	51	6	35	81	96	75	16	9	18
Bedfordshire	39	36	70	86	60	14	55	81	95	74	37	30	40
Cambridgeshire	27	23	56	76	43	7	40	80	92	72	11	6	13
Cheshire	23	19	54	72	46	4	42	87	95	80	13	10	14
Cleveland	24	21	52	70	44	4	44	79	88	74	13	10	14
Cumbria	27	24	70	85	62	2	42	82	93	75	10	7	11
Derbyshire	27	23	60	77	53	5	48	84	93	85	19	11	22
Devon and Cornwall	33	28	71	88	64	13	51	89	96	85	32	23	36
Dorset	20	17	51	73	45	4	32	78	86	75	12	6	15
Durham	29	25	58	78	47	6	47	84	95	76	21	10	24
Essex	28	24	59	80	51	8	48	85	95	79	26	12	30
Gloucestershire	26	23	59	85	50	6	40	83	97	75	14	8	17
Greater Manchester	21	18	52	73	40	1	36	84	93	78	4	1	5
Hampshire	31	27	63	83	53	8	47	82	92	76	22	14	25
Hertfordshire	29	26	67	86	56	2	42	85	94	79	7	3	9
Humberside	25	21	48	70	37	8	41	75	88	65	18	12	20
Kent	25	21	64	82	56	4	42	85	96	80	13	9	14
Lancashire	21	19	56	73	47	3	31	79	90	72	8	6	9
Leicestershire	24	21	60	78	53	3	35	79	92	74	8	3	9
Lincolnshire	34	31	71	89	62	11	49	88	95	84	24	21	26
Merseyside	21	19	59	77	51	3	30	83	92	77	4	2	4
Metropolitan Police District <sup>11</sup>	22	20	59	79	52	10	32	81	92	77	17	16	17
Norfolk	28	24	64	84	55	7	44	89	97	83	21	12	24
Northamptonshire	38	35	84	96	79	11	53	95	100	93	28	24	30
Northumbria	37	31	65	83	56	10	61	91	98	87	34	26	37
North Yorkshire	24	21	58	78	48	6	39	80	93	72	19	8	24
Northinghamshire	31	27	61	79	52	10	49	84	94	77	28	17	32
South Yorkshire	27	24	52	73	44	12	43	75	92	67	23	15	26
Staffordshire	25	19	52	77	37	6	51	87	94	82	25	15	28
Suffolk	35	32	68	86	58	13	53	89	96	85	29	21	32
Surrey	19	17	57	81	48	3	31	77	97	68	7	7	6
Sussex	25	22	60	83	50	5	37	79	90	72	14	10	16
Thames Valley	30	26	70	89	61	5	45	90	98	85	14	12	15
Warwickshire	30	27	64	85	52	11	48	88	99	79	26	14	30
West Mercia	32	28	68	87	59	7	50	89	97	83	20	16	22
West Midlands	29	26	67	87	58	4	46	90	97	86	14	11	16
West Yorkshire	27	23	50	70	40	9	47	77	89	69	28	23	30
Wiltshire	39	34	69	89	59	15	58	87	95	83	37	33	39
England	26	23	60	79	51	7	42	84	94	78	18	13	20
Dyfed-Powys	24	23	67	87	56	6	33	83	93	76	12	10	14
Gwent	25	23	55	74	45	8	41	77	87	71	20	18	21
North Wales	26	24	61	81	53	7	38	80	93	73	18	13	20
South Wales	19	16	53	69	45	2	33	82	91	77	9	3	11
Wales	22	20	56	75	48	4	35	81	90	75	13	9	15
England and Wales	26	23	60	79	51	7	41	84	93	78	18	13	19

<sup>11</sup> Including City of London.

Division:

Station:

Police Ref No

Reporting Officer:

Date

YOUNG PERSON

Name (in full):

Sex:

Address:

Date of Birth:

School Attended:

Employment:

Names of Parents/Guardian:

Father:

Address:

Mother:

Address:

Name of Community Constable for area where offender lives:

#### INCIDENT

Nature of  
Offence/incident:

Times:

Dates:

Location  
(full address):

Incident occurred during

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

School holiday

☐

School break-time

Outside Sch. hours

Truancy from School: ☐

Not applicable

Non-attendance (with parents' knowledge)

Others involved:

Circumstances & Full Details of Incident

Value of property/damage

Yes

No

Does the Young Person freely admit guilt

Yes

No

## BACKGROUND

Home circumstances:

### (A) Initial Decision

No further action

Informal warning                      Date administered .....

Not guilty plea                      Due to appear at ..... Court on .....

Arrest and charge                      Due to appear at ..... Court on .....

Caution                      Bailed to ..... Police Station on .....

Refer to Panel                      Bailed to ..... Police Station on .....

### (B) (If Applicable) Observation of Consultative Panel

Probation Service                      Rec Caution/Prosecution

Social Services                      Rec Caution/Prosecution

Education Department                      Rec Caution/Prosecution

Juvenile Liaison Officer                      Rec Caution/Prosecution

### (C) Panel Decision                      Recommend                      Caution/Prosecution

Date ..... Signed ..... Rank ..... No .....

### (D) Decision of Sub-divisional Superintendent/Chief Inspector

Date ..... Signed .....

Noted Date ..... Signed ..... (JLO

### (E) Observation of Crown Prosecutor

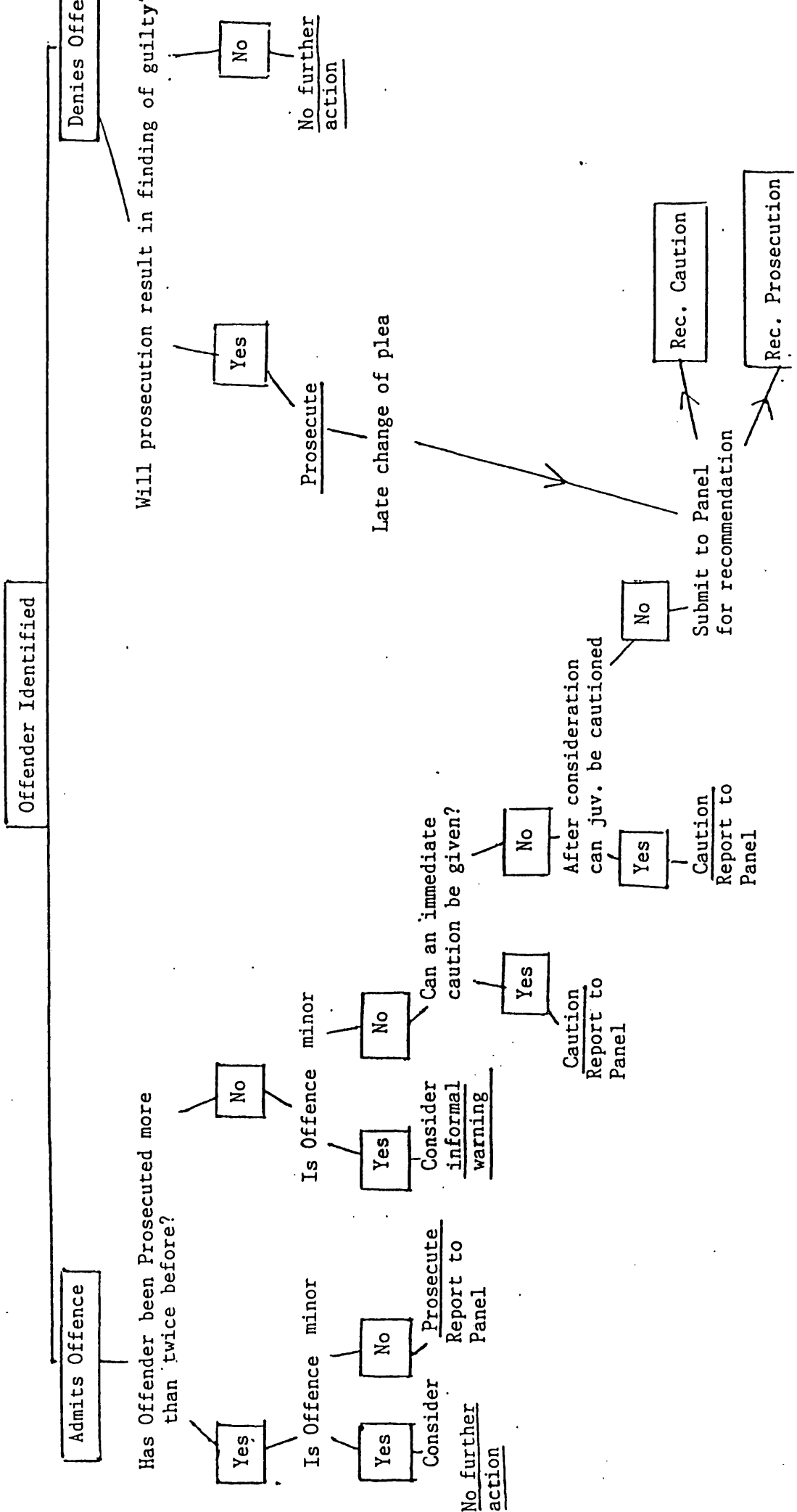
Decision ..... (If Applicable)

Date ..... Signed .....

### (F) Date send to Director of Education .....

Chief Probation Officer .....

# Proposed Liaison Process







# **SOUTH WALES CONSTABULARY**

**GUIDANCE AND INSTRUCTIONS**

**FOR USE IN**

**THE JUVENILE LIAISON PROCESS**

## PROCEDURE AND GUIDELINES

PREAMBLE

Home Office Circular 14/85 states:-

"It is recognised both in theory and in practice that delay in the entry of a young person into the formal criminal justice system may help to prevent his entry into that system altogether. The Secretary of State commends to chief officers the policy that the prosecution of a juvenile is not a step to be taken without the fullest consideration of whether the public interest (and the interests of the juvenile concerned) may be better served by a course of action which falls short of prosecution. Thus chief officers will wish to ensure that their arrangements for dealing with juveniles are such that prosecution does not occur unless it is absolutely necessary".

The circular further urges chief officers to ensure that:-

"Liaison arrangements with Social Services Departments, the Probation Services and where appropriate the Education Welfare Service, are such as to encourage the participation of those agencies in decision making. This may be particularly appropriate where there is doubt in the mind of the police as to whether a caution is the right course in an individual case".

The Juvenile Offender Consultation Process in the South Wales Police area, in accordance with the above circular, is aimed at delaying the entry of juvenile offenders into the formal Criminal Justice System. This will be achieved by increasing the numbers of young offenders who are formally cautioned for offences.

The Consultation Process

The Consultation Process is by means of weekly meetings in each police division, of representatives of the Police, Social Services Department, Probation Service and the Education Department (commonly referred to as the F.11 Panel).

The remit of the Panel is to discuss cases referred by the Police, of juvenile offenders in respect of whom the police are unable to administer a 'caution' without consultation.

The Panel, by applying the following guidelines, will make a recommendation to either prosecute or caution the young person.

TRGAAY

In order to make an appropriate recommendation the panel members will require the fullest information possible and will make all necessary enquiries to obtain this.

It may be appropriate to take into consideration the offender's previous character and family circumstances in deciding whether to caution or prosecute. However, the emphasis should be placed on the nature of the offending behaviour currently before the panel and a prosecution should not be used as a means of bringing an individual before a court when other means exist for dealing with ancillary matters.

Prosecution should NOT be sought for the purpose of gaining access to welfare services.

When a unanimous decision cannot be arrived at within the Panel, any dissenting view should be recorded and made available, together with the majority view, to the Crown Prosecutor.

### Policy and Procedure

#### (1) Informal Action

The Home Office Circular states "It is important that a formal caution is not issued unless the circumstances of the case are sufficient to justify it. It should be considered whether it is more appropriate to deal with an offender without formal proceedings of any kind, for example by an informal word of advice or warning".

Thus where the police do not consider an offence merits either caution or prosecution, an informal warning or no further action should be considered. Such action should neither be reported to the panel nor cited in any subsequent court proceedings. This procedure will not apply to recordable crimes.

#### (2) Formal Action

- (i) Before a formal caution can be administered the following criteria must be met:-
  - (a) The juvenile must freely admit guilt.
  - (b) Cautioning must not be used as an alternative to prosecution when the evidence is insufficient to be likely to secure a conviction.
  - (c) Parents must consent to a caution being administered. Such consent should be obtained only after a decision to caution has been made.

TRGAAY

- (ii) In all cases where police consider that a caution can be administered it should be administered without reference to the Liaison Panel. This will apply to cases where an 'instant caution' is appropriate and to cases where further consideration by a senior police officer is necessary before a decision is made.

The fact that a formal caution is to be, or has been, administered should be reported to the panel for information only.

- (iii) Where there is no previous history of either a caution or prosecution then a formal caution will be administered without reference to the panel unless the offence is serious, or there are other attendant circumstances to justify a prosecution. (See guidance on definition of serious later in this paper).

- (iv) Where the offence is minor in nature and does not, in itself, merit prosecution, and where the juvenile has previously been cautioned or prosecuted on one or more occasions, a formal caution MAY be administered without reference to the panel. Considerations under these circumstances will include the nature of the offences and the period of time which has elapsed since the last offence.

- (3) In all cases in respect of which the police feel unable to administer a caution for any reason - a referral will be made to the Liaison Panel for further discussion and recommendation.

- (4) Where the police consider it proper to 'Arrest and Charge' a juvenile, the action should be reported to the panel for information. Any comments of any panel member relative to the action taken should be addressed to the Assistant Chief Constable (Operations), Police Headquarters, Bridgend.

- (5) In cases where a caution would be appropriate, but the juvenile denies the offence, a prosecution will result unless there are special circumstances to the contrary. Where a prosecution has commenced and an offender subsequently enters a plea of "guilty", the Crown Prosecutor is invited to consider the attendant circumstances and, in appropriate cases, return the case to the police for the "Formal Action" procedure to be applied.

(6) Guidelines for Decision Making

These guidelines will apply to cases where a decision is made by the police without reference to the panel and to cases considered by the panel.

- (A) Where a young person has previously been convicted and sentenced by a court and the current offence merits a caution within these procedures, then a caution may be administered irrespective of the type of sentence previously imposed.

(B) COMPENSATION AND VIEWS OF THE AGGRIEVED PARTY

The views of any aggrieved party are important but not paramount in deciding for a caution or prosecution. However, the intentions of an injured party taking private proceedings are a factor which should be taken into account.

- (C) Reparation should only normally be considered when the Liaison Panel feel that there is little alternative to prosecution. However, where the offender has undertaken reparation or has indicated his willingness so to do, then that should indicate in his favour in any decision. Where a caution would otherwise be indicated, the issue of compensation alone should not preclude a caution.

(D) GROUPS OF OFFENDERS

Where an offence or offences are committed by a group of offenders, then the previous history of each juvenile, and his degree of participation in the offence should be considered. The need for equity should not necessarily prevent individual decisions being made on each offender within the group.

(E) SERIES OF OFFENCES

When a series of offences are committed by a juvenile on subsequent days, and the offences are not in themselves serious enough to merit prosecution, then a caution should not be precluded.

(F) SERIOUSNESS

The concept of seriousness has long provided difficulties and there are as many views as individuals holding them. For the purpose of assessing 'seriousness' within this context, it is suggested that it should be viewed as a continuum. These guidelines indicate a consensus as to what is 'more serious' or 'less serious'.

(i) Homicide, Rape, Arson Endangering Life, Serious Public Disorder

These offences are 'serious and ought always to merit prosecution.

(ii) Assault

Cases of assault range from the very serious to the trivial. The fullest information should be available to those assessing seriousness, since experience has shown that inadequate information covering details of the offence, motivation, and the surrounding circumstances, leads to an inaccurate assessment. A distinction should be made between impulsive and planned assaults. Was there intention to cause injury? What injuries resulted? Were weapons used? Was the assault a dispute amongst peers or inflicted on a much older or younger person?

(iii) Criminal Damage

Recklessness is generally less serious than intentional. Damage made good stands in the offender's favour.

(iv) Theft is less serious than burglary. Property recovered with the ready assistance of the offender renders the theft less serious. The degree of harm to the loser should be taken into account.

(v) Burglary

Burglary of a commercial premise is generally less serious than burglary of a domestic premise. A straightforward trespass and theft is less serious than breaking and entry. The physical emotional and psychological harm to the victim is an important consideration, as is the absence of these.

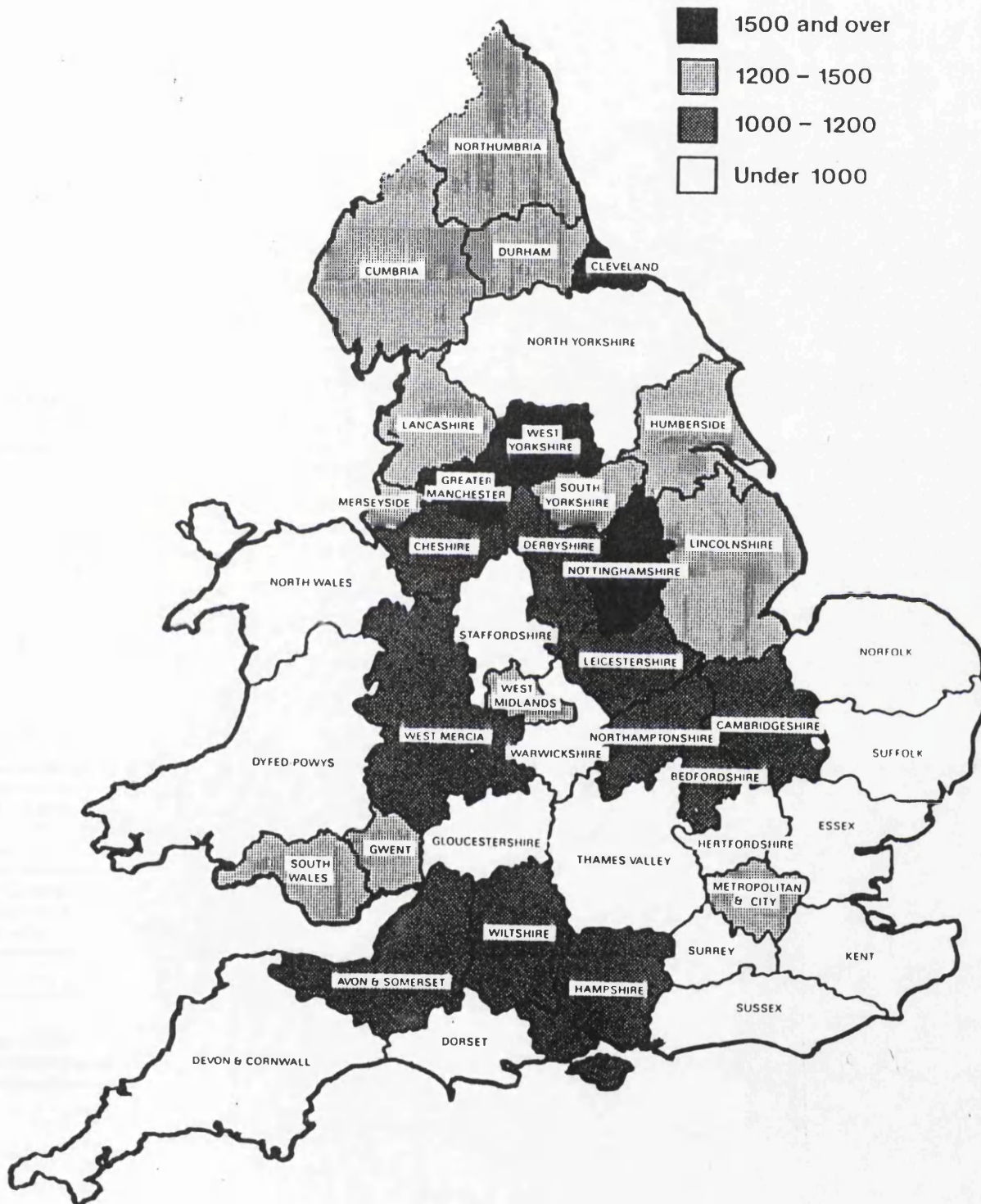
(vi) Vehicle Theft and Associated Offences

Such offences are potentially very serious. Nevertheless vehicle thefts which are brief, unplanned episodes where no actual damage results are less serious than others. Vehicle offences which take place on private land may be less serious than on the public road.

(vii) Public Order Offences

More than any other, a public order offence is defined by the individual police officer on the spot. It is, therefore, important, once again, that the fullest information is provided to determine caution or prosecution. Facts to be taken into account are whether offence is given to public witnesses of the incident and the implicit danger or otherwise presented to others by the behaviour in question. Only serious public disorder should merit an automatic prosecution.

## ENGLAND AND WALES 1987



From Criminal Statistics in England and Wales, 1987. HMSO



TABLE 8

DISTRIBUTION OF SENTENCES (%) IN SIX LOCAL JUVENILE JUSTICE SYSTEMS OVER THE  
12 MONTHS OF 1986 AND NATIONAL SENTENCING DISTRIBUTION COMPARISON FOR 1986

	A	B	C	D	E	F	NATIONAL DISTRIBUTION 1986
Absolute/Conditional Discharge	31.0	13.0	20.3	24.4	26.1	28.7	28.3
Fine	34.5	41.2	27.5	20.9	35.5	19.6	23.1
Attendance Centre Order	16.5	6.0	16.7	11.9	8.5	20.9	15.2
Supervision Order	4.9	12.8	17.1	13.6	6.9	7.8	14.1
Supervision Order + I.T.	1.1	5.5	3.9	5.6	0.7	2.8	3.8
Supervised Activities Order	0.2	6.5	0.2	3.5	5.5	3.8	
Community Service Order	1.6	2.6	1.1	6.6	2.2	5.4	3.3
Care Order	0.7	0.9	1.4	1.6	0.6	0.7	2.1
Detention Centre	2.9	2.7	4.7	4.6	2.9	4.2	6.0
Youth Custody	1.5	0.2	3.2	0.7	1.9	2.5	3.1
Other	5.1	8.6	3.9	6.6	9.2	3.6	
TOTALS * * Excluding cases withdrawn/dismissed.	100% N = 449	100% N = 614	100% N = 621	100% N = 943	100% N = 1419	100% N = 863	

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